



City of Tigard

Tigard Workshop Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: October 21, 2014 - 6:30 p.m.

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

PUBLIC NOTICE:

Times noted are estimated.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

VIEW LIVE VIDEO STREAMING ONLINE:

<http://live.tigard-or.gov>

Workshop meetings are cablecast on Tualatin Valley Community TV as follows:

Replay Schedule for Tigard City Council Workshop Meetings - Channel 28

- Every Sunday at 12 a.m.
- Every Monday at 1 p.m.
- Every Thursday at 12 p.m.
- Every Friday at 10:30 a.m.

SEE ATTACHED AGENDA



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MEETING DATE AND TIME: October 21, 2014 - 6:30 p.m.

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6:30 PM

- **EXECUTIVE SESSION:** The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

1. WORKSHOP MEETING
 1. Call to Order - City Council
 2. Roll Call
 3. Pledge of Allegiance
 4. Council Communications & Liaison Reports
 5. Call to Council and Staff for Non-Agenda Items
2. COUNCIL LIAISON REPORTS
3. BUDGET COMMITTEE FIRST QUARTER REPORT - **6:35 p.m. estimated time**
4. RECEIVE UPDATE FROM METRO COUNCILOR DIRKSEN **7:20 p.m. estimated time**
5. RECEIVE UPDATE ON PHOTO RADAR - **7:40 p.m. estimated time**
6. REPORT ON THE PROGRESS OF THE RIVER TERRACE FUNDING STRATEGY PLAN - **8:00 p.m. estimated time**
7. NON AGENDA ITEMS

8. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

9. ADJOURNMENT - **8:45 p.m. estimated time**

AIS-1886

3.

Workshop Meeting

Meeting Date: 10/21/2014

Length (in minutes): 45 Minutes

Agenda Title: First Quarter Budget Committee Meeting

Prepared For: Toby LaFrance

Submitted By: Carissa Collins, Financial and Information Services

Item Type: Budget Committee **Meeting Type:** Council
Workshop
Mtg.

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

This meeting is to inform the Budget Committee of the city's financial status for the first quarter of FY 2015.

STAFF RECOMMENDATION / ACTION REQUEST

Staff will be presenting a status/progress report. Input by the Budget Committee is requested.

KEY FACTS AND INFORMATION SUMMARY

The FY 2015 City Budget was approved by Budget Committee on April 28, 2014. The budget was adopted by City Council with some technical adjustments on June 10, 2014.

At this meeting, staff will provide the following:

1. FY14 Audit Update
2. FY15
 - a. Q1 Financial Report
 - b. Q1 Supplemental information
3. FY16
 - a. Calendar
 - b. Process Changes/Improvements
 - c. Issues likely to shape next budget
 - i. River Terrace
 - ii. Infrastructure Financing
 - iii. Strategic Plan

OTHER ALTERNATIVES

N/A

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

N/A

DATES OF PREVIOUS CONSIDERATION

N/A

AIS-1859

5.

Workshop Meeting

Meeting Date: 10/21/2014

Length (in minutes): 20 Minutes

Agenda Title: Photo Radar

Prepared For: Alan Orr, Police

Submitted By: Julia
Jewett,
Police

Item Type: Update, Discussion, Direct Staff

Meeting Type: Consent
Agenda -
Approve
Minutes

Public Hearing: No

Publication Date:

Information

ISSUE

Provide council with Photo Radar information.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that Photo Radar is not added to the police department at this time. Photo Radar could be considered in the future with adequate staffing, and the ability to operate the system without the involvement in the issuance of citations by a private entity.

KEY FACTS AND INFORMATION SUMMARY

Tigard is one of ten cities approved to operate photo radar through ORS 810.438 with the following fundamental requirements:

- The photo radar equipment is operated by a uniformed officer
- The photo radar is operated out of a marked police vehicle
- The citation is mailed to the registered owner of the vehicle within six-business days of the alleged violation
- A certificate of innocence may be sent in by the registered owner within thirty days of the citation mailing
- The department shall, once each biennium, conduct process and outcome evaluation of the effect of the used of photo radar on traffic safety, the degree of public acceptance of the use of radar, and the process of photo radar administration. The department shall send this report to the Legislative Assembly by March 1st of each odd-numbered year.

Bi-annual reports of three of the four agencies using photo radar are attached. All four agencies use a van that contains the radar and camera system. All four agencies have operating

contracts with photo radar companies. Equipment leases are paid through the issuance of citations.

The procedure used in the issuance of citation companies is as follows:

- The operator tracks the violator as the system captures the radar data and photo of driver and license plate.
- Violations are uploaded by the operator to the company.
- The company reviews the data received from the radar and compares the photograph of the operator to the registered owner. Information is confirmed and the company sends the photo radar operator an email.
- Citation information is returned to the photo radar operator via email to verify the information and send confirmation to the company advising to issue a citation.
- The citation is mailed to the registered owner by the photo radar company.

Of the four agencies who operate the photo radar programs, two are staffed with part-time employees who are typically retired police officers. Two agencies run photo radar programs with full-time police officers. All four agencies advise the operators of the system only spend less than half or their time in the field. This is in part to a large portion of time which is spent in court and/or for administrative duties.

The agencies have reported the photo radar program does appear to reduce the average speed in areas where photo radar is routinely deployed. The photo radar programs are impersonal but appear to be a useful tool for traffic safety. Public perception and acceptance of the program ranges from 64% to 74% depending on the jurisdiction. Of the agencies who use full-time employees to operate the system, one reported that enforcement time in the field has been reduced to fifty to fifty-five hours per month.

Our police department does not currently have the required full time staff to create or staff this program. In order to support a photo radar program, the department would need to hire several part-time officers and potentially a coordinator to implement the program.

OTHER ALTERNATIVES

An alternative would be to add a full-time employee to department staff and increase staffing of the traffic unit with a motor officer.

With the agency goal to reduce traffic accidents and gain greater compliance with traffic laws, the addition of a traffic officer (motor) would provide the department a stronger tool to engage those that are violating laws pertaining to speed and to enforce traffic laws to reduce traffic crashes

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

August 16, 2014

Attachments

Exec Summary

City of Portland

City of Beaverton

City of Milwaukie

ORS 810.439

ORS 810.438

PHOTO RADAR 2013 ODOT EXECUTIVE SUMMARY

ORS 810.438 specifies the use and reporting requirements for municipal Photo Radar Programs in operation. The law allows the cities of Albany, Beaverton, Bend, Eugene, Gladstone, Medford, Milwaukie, Oregon City, Portland and Tigard to operate photo radar. In addition to individual cities reporting directly, it requires the Oregon Department of Transportation to review all submitted reports and provide an executive summary by March 1 of each odd-numbered year to the Legislative Assembly, focusing on the process and outcome evaluations for cities using Photo Radar programs in Oregon.

Photo radar has been in use in Oregon for many years. A photo radar program uses a camera to capture the license plate of speeding vehicles. The camera and radar (or laser) device are mounted to a marked police vehicle that measures the speed of vehicles. A ticket is mailed to the registered owner of the vehicle. The owner has the opportunity to respond to the ticket claiming innocence through a “certificate of innocence” or “certificate of nonliability.”

This executive summary of the cities’ reports was prepared by ODOT as required under ORS 810.438. It summarizes the cities’ evaluation summaries of their Photo Radar programs. Copies of the cities’ reports will be submitted to the Legislative Assembly directly from each city as required under statute. This report previously provided Photo Red Light information however that piece was removed in 2007 as it was deemed redundant to what the cities are already providing to the Legislature directly.

PROCESS AND OUTCOME EVALUATION – Photo Radar Programs

The Effects of the Using Cameras on Traffic Safety

Beaverton reports that it has been operating a well-established photo radar program for the last 18 years. The program has been very successful in reducing speeds in Beaverton neighborhoods. Beaverton continues to see reductions in average speeds where photo radar is in use. Beaverton maintains a place for public comment on their website and also provides a police traffic hotline and reports that feedback remains mostly positive.

Medford reports that they are currently operating two vans within the city. One is radar equipped and one is lidar equipped. The vans are deployed five to six days a week and are operated by five part-time sworn officers. Vans are dispatched to areas that have received complaints of speeding vehicles and that meet the threshold requirement in regards to traffic counts and reported speeds. Speed surveys are conducted using a radar display trailer and the data gathered as the result of these surveys is used to justify establishing new radar van sites.

Milwaukie: The goal of the Milwaukie Police Department’s deployment of the photo radar van is to reduce traffic crashes and increase driver, passenger, and pedestrian, safety within the city by reducing vehicle speeds.

In order to obtain the department’s overall goal, the photo radar van will be deployed in school zones, highway work zones, residential streets, and other streets to include the two highways that

intersect in the city that the local jurisdiction has determined have an unusually high number of crashes or speeding complaints.

In compliance with ORS 810.438(2) (b) the Milwaukie City Council has made a finding that speeding on both highway 224 and highway 99E have a negative impact on traffic safety, thereby meeting the legal requirement for deployment along these specific problematic areas.

Initially, one officer who is certified by our vendor ACS, State and Local Solutions (ACS) was assigned to deploy the photo radar van. The department's initial deployments were dedicated to the Highway 224 Milwaukie Bypass corridor and Mcloughlin Blvd. traffic corridor within the city's jurisdictional boundaries.

Currently the Milwaukie program has five officers trained in the deployment of the photo radar van. One officer is assigned full-time. The others are trained but, currently are not assigned to deployment of the van.

Milwaukie's reported improvements in Traffic Safety

The City of Milwaukie's photo radar program has been very successful in helping to reduce traffic crashes within the city boundaries.

Traffic Crashes:

2006	2007	2008
Fatal - 0	Fatal - 1	Fatal - 1
Injury - 42	Injury - 44	Injury - 32
Non Injury - 127	Non Injury - 123	Non Injury - 98
Total - 169	Total - 168	Total - 131

Traffic Crashes:

2009	2010	2011	2012
Fatal -1	Fatal-0	Fatal-0	Fatal - 0
Injury - 28	Injury-38	Injury-60	Injury - 44
Non- Injury - 107	Non-Injury-94	Non-Injury- 118	Non- Injury -112
Total - 136	Total-132	Total-178	Total - 156

Portland has been operating a photo radar van since it was allowed by the 1995 legislature. Studies have shown that photo-enforcement has been effective in reducing speeding within the boundaries of the City of Portland. The trend is clearly visible that with increasing exposure to photo radar, the percent of vehicles that were exceeding the posted speed limit has been decreasing. A possible interpretation of this trend is that photo radar vans are decreasing vehicle speeds; in turn, this could be assumed to be decreasing speed related crashes. There are other interpretations of course. People are now more familiar with the photo radar vans and their deployments and learn to slow down.

Degree of Public Acceptance

Beaverton reports that 64% of Beaverton citizens believed photo radar worked very well (March 2011). The opportunity for public comment continues via the city website, city council meetings, police traffic hotline phone number and directly to the photo enforcement program coordinator.

Medford reports that citizen acceptance of Photo Radar programs has grown since its inception in 2002. They believe this is a result of how the program is administered, in a fair and open manner. Of the 2,101 citations issued in 2012, only 19 were challenged in court, furthermore, 462 were dismissed by court clerks due to a "certificate of innocence" provided by the cited party. Again, this provides confidence to the community that the program is administered in an open and consistent manner that seeks to deter rather than punish. They received very few complaints in 2012 about the program and most of the complaints were questions regarding statutory requirements of speed van warning sign placement.

Milwaukie: The Milwaukie Police Department enjoys a strong public acceptance of photo radar as reported through seven different city neighborhood associations. In January 2011, the City of Milwaukie conducted a review of the photo radar program with their Public Safety Advisory Committee. The committee voted unanimously to continue its support of the photo radar program.

It should also be noted that in May 2011, the Milwaukie City Council voted to extend its contract with ACS and upgraded the technology to all digital equipment which has resulted in greater exposure clarity.

Portland has been monitoring public opinion of photo radar over the years of deployment and enjoys a strong public acceptance of photo radar as a valuable tool against speeding. In September 2011, a public opinion poll was conducted that showed 74% of city residents approved of photo radar use in neighborhoods. This same poll showed that 89% of city residents approved of photo radar use in school zones.

Administration Process for the use of Photo Radar

Each city follows their own administration process to operate their photo radar units however all are very similar. Processes for each city are detailed in the individual city reports submitted.

Beaverton: The administrative process begins on page 6 of their report.

Medford: The administrative process begins on page 1 of their report.

Milwaukie: The administrative process is contained on page 5 of their report.

Portland: The administrative process is contained on pages 11 of their report.

Summary:

It appears from these reports and various conversations with each city that they are following the law as written and implementing legislative direction received during hearings for the operation of Photo Radar programs.

The Photo Radar program has been in operation in Oregon for 18 years. It appears to have a positive impact on reducing average speeds within the communities in which it is used. With high public acceptance and safety benefits of reduced speeds in school zones, residential and other roadways, photo radar appears to be making a positive impact to safety in the communities in which it is used.

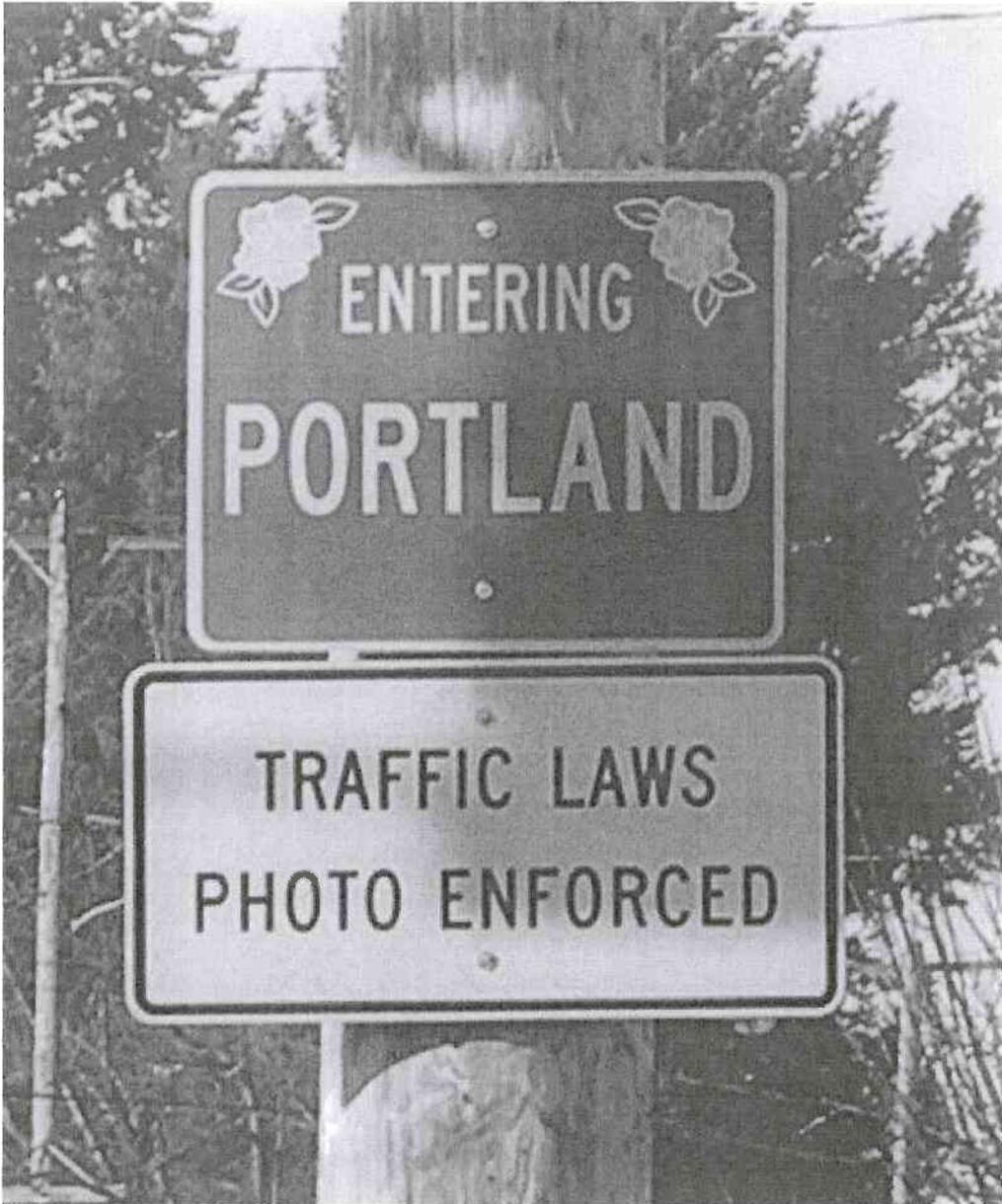
Because of the limited number of photo radar vans in operation, it is impossible to make a direct correlation between crash reduction and the use of the systems. Unlike photo red light cameras which are 24/7 monitoring operations, photo radar vans are moved to different locations within a jurisdiction and is not allowed to be in any location more than four hours. Moving the photo radar vans is necessary so that drivers don't get used to the locations of the vans and adjust their speeds as they approach them. However, moving the vans frequently makes it difficult to identify speed and crash reductions over a long-term time-frame.

CITY OF PORTLAND PHOTO ENFORCEMENT REPORT 2011-2012



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BACKGROUND – REPORT REQUIREMENTS

The Oregon Revised Statute authorizing photo radar in cities was amended in the Legislative session of 2005. This amendment required cities using photo radar to conduct a process and outcome evaluation once each biennium.

A copy of the amended Statute is included below:

(3) A city that operates a photo radar system under this section shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:

- (a) The effect of the use of the photo radar system on traffic safety;*
- (b) The degree of public acceptance of the use of photo radar system;*

and

- (c) The process of administration of the use of the photo radar system.*

(4) By March 1 of the year of each regular session of the Legislative Assembly:

(a) The Department of Transportation shall provide to the Legislative Assembly an executive summary of the process and outcome evaluations conducted under subsection (3) of this section; and

(b) Each city that operates a photo radar system under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section.

[1995 c.579 1; 1997 c.280 1; 1999 c.1071 1; 2005 c.686 3]

PHOTO-RADAR

I. PHOTO RADAR AND ITS EFFECT ON TRAFFIC SAFETY

A. BACKGROUND

Photo radar is a method of traffic speed enforcement that is used to detect speeding violations and record identifying information about the vehicle and driver automatically. Violation evidence is processed and reviewed in an office environment and violation notices are delivered to the registered owners of identified vehicles after the alleged violation occurs, rather than at the time of the offense.

The City of Portland received authority from the 1995 Legislature to conduct a two year test of photo radar. After a successful test phase, the Legislature extended the use of photo radar. The City of Portland is now in its seventeenth year of photo radar operation and the program is a cornerstone of the Portland Police Bureau's efforts to reduce speeding.

The year 2011 marked the first year of our full transition to using digital photo-radar equipment as opposed to the film cameras used since the program was developed. The digital equipment has out-performed the film-based equipment in every way. Most notable is the quality of the high resolution violation photos.

These higher quality images are posted securely online for the violator to review upon receipt of a photo-radar citation. Using a PIN number specific to each violation, the recipient can log into the Xerox website and view high quality images of their violation.

The transition to digital equipment has shown an increase in the citation issuance rate of approximately 25%. This is due not only to the higher quality digital images, but in the reduction of lost deployments due to operator error afforded by the new equipment.

The goals of the Portland Police Bureau's Photo-Enforcement program remain unchanged: **Reduce Speeding, Reduce Crashes, Save Lives**

B. PHOTO RADAR DEPLOYMENT

The Portland City Council, through City Ordinance #172517, has directed the Police Bureau to deploy photo radar in school zones, highway work zones, residential streets, and other streets determined to have an unusually high number of crashes or speeding complaints.

The Traffic Division's emphasis on photo-enforcement has been:

- School zones
- Work zones
- Residential areas
- High crash corridors
- Areas with history of speed related crashes and complaints
- Citizen and police officer requests for photo-radar deployments



School Zones

The Portland Police Bureau remains dedicated to the safety of the numerous school zones throughout our city. Photo-radar has been used extensively for speed enforcement in school zones city-wide. Requests for photo-radar deployments in school zones have come from school administrators, school resource officers, neighbors living near schools, and parents of children attending the schools. We have strived to fulfill every quest for a school zone deployment that we have received.



Our deployment signage complies with state law in regards to school zones without flashing beacons. The school zone deployment signs, meeting the dimensions required under ORS, indicate 'SCHOOL IN SESSION' in addition to the standard admonishment that photo-radar is being deployed. These signs are placed 100-400 yards prior to any photo-radar deployment

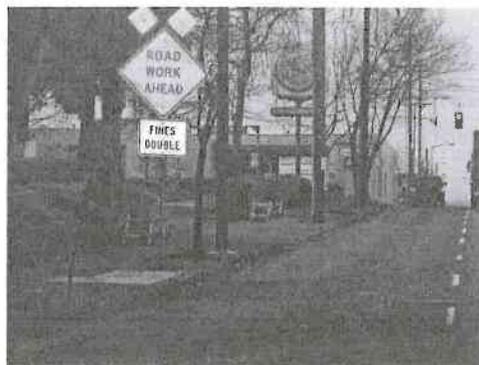
High Crash Corridors

Based on crash data gathered by the Portland Bureau of Transportation, a number of streets and locations throughout the City of Portland have been designated as High Crash Corridors. These locations are taken into consideration when planning photo-radar deployments. Locations currently designated as high crash corridors are:

NE/SE 82nd Ave.
NE/SE 122nd Ave
SE Foster Road
SW Barbur Blvd.
N/NE Marine Drive
SW Beaverton-Hillsdale Highway
SE Division St.
W/E Burnside St.
NE Sandy Blvd.
SE Powell Blvd.

Highway Work Zone

In the spring and fall of 2009, the Portland Police Traffic Division partnered with O.D.O.T. in a test project using photo-radar in a state highway work zone. This project encompassed a 3.2 mile stretch of N.W. Yeon St, which is also US Hwy 30. The use of photo-radar in this test was very successful, capturing an average of 10.75 violations per hour for a total of 2,065 violations for the five month test period.



Since this test project, photo-radar has been used to enforce work zone speed limits throughout 2011 and 2012. Photo-radar has been used in the following work zones: Highway 99-E/viaduct project, the Morrison Bridge re-decking project, and most currently in the Sellwood Bridge/Hwy 47 project.

The use of photo-enforcement in state highway zones has proven to be a very effective use of police resources. Photo-enforcement in state highway work zones are done in strict compliance with ORS.811.439, Section 4:

Sec. 4. Highway work zone. (1) *The Department of Transportation may operate photo radar within a highway work zone that is located on a state highway, except for a highway work zone located on an interstate highway.*

(2) *The department, at its own cost, may ask a jurisdiction authorized to operate photo radar under ORS 810.438 (1) or the Oregon State Police to operate a photo radar unit in a highway work zone on a state highway, except for a highway work zone located on an interstate highway.*

(3) *A photo radar unit operated under this section may not be used unless a sign is posted announcing that photo radar is in use. The sign posted under this subsection must be all of the following:*

(7) *Located on the state highway on which the photo radar unit is being used.*

(b) *Between 100 and 400 yards before the location of the photo radar unit.*

(4) *The department shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (5) of this section that includes:*

(7) *The effect of the use of photo radar on traffic safety;*

(b) *The degree of public acceptance of the use of photo radar; and*

© *The process of administration of the use of photo radar.*

(5) *The department shall report to the Legislative Assembly by March 1 of each odd-numbered year.*

(6) *As used in this section, "highway work zone" has the meaning given that term in ORS 811.230. [2007 c.634 §4]*

Sec. 5. Highway work zone; citation. (1) *Notwithstanding any other provision of law, when a jurisdiction or the Oregon State Police uses photo radar in a highway work zone:*

(7) *A citation for speeding may be issued on the basis of photo radar if the following conditions are met:*

(7) *The photo radar unit is operated by a uniformed police officer.*

(B) *The photo radar unit is operated out of a marked police vehicle.*

© *An indication of the actual speed of the vehicle is displayed within 150 feet of the location of the photo radar unit.*

(D) *The citation is mailed to the registered owner of the vehicle within six business days of the alleged violation.*

(E) *The registered owner is given 30 days from the date the citation is mailed to respond to the citation.*

(F) *One or more highway workers are present. For the purposes of this subparagraph, "highway workers" has the meaning given that term in ORS 811.230.*

(G) The jurisdiction operating photo radar complies with the requirements described in section 4 of this 2007 Act.

(b) A rebuttable presumption exists that the registered owner of the vehicle was the driver of the vehicle when the citation is issued and delivered as provided in this section.

© A person issued a citation under this subsection may respond to the citation by submitting a certificate of innocence or a certificate of nonliability under subsection (3) of this section or may make any other response allowed by law.

(2) A citation issued on the basis of photo radar may be delivered by mail or otherwise to the registered owner of the vehicle or to the driver. The citation may be prepared on a digital medium and the signature may be electronic in accordance with the provisions of ORS 84.001 to 84.061.

(3)(a) A registered owner of a vehicle may respond by mail to a citation issued under subsection (1) of this section by submitting, within 30 days from the mailing of the citation, a certificate of innocence swearing or affirming that the owner was not the driver of the vehicle and by providing a photocopy of the owner's driver license. A jurisdiction that receives a certificate of innocence under this paragraph shall dismiss the citation without requiring a court appearance by the registered owner or any other information from the registered owner other than the swearing or affirmation and the photocopy. The citation may be reissued only once, only to the registered owner and only if the jurisdiction verifies that the registered owner appears to have been the driver at the time of the violation. A registered owner may not submit a certificate of innocence in response to a reissued citation.

(b) If a business or public agency responds to a citation issued under subsection (1) of this section by submitting, within 30 days from the mailing of the citation, a certificate of nonliability stating that at the time of the alleged speeding violation the vehicle was in the custody and control of an employee, or was in the custody and control of a renter or lessee under the terms of a rental agreement or lease, and if the business or public agency provides the driver license number, name and address of the employee, renter or lessee, the citation shall be dismissed with respect to the business or public agency. The citation may then be issued and delivered by mail or otherwise to the employee, renter or lessee identified in the certificate of nonliability.

(4) If the person named as the registered owner of a vehicle in the current records of the Department of Transportation fails to respond to a citation issued under subsection (1) of this section, a default judgment under ORS 153.102 may be entered for failure to appear after notice has been given that the judgment will be entered.

(5) The penalties for and all consequences of a speeding violation initiated by the use of photo radar are the same as for a speeding violation initiated by any other means.

(6) A registered owner, employee, renter or lessee against whom a judgment for failure to appear is entered may move the court to relieve the registered owner, employee, renter or lessee from the judgment as provided in ORS 153.105 if the failure to appear was due to mistake, inadvertence, surprise or excusable neglect.

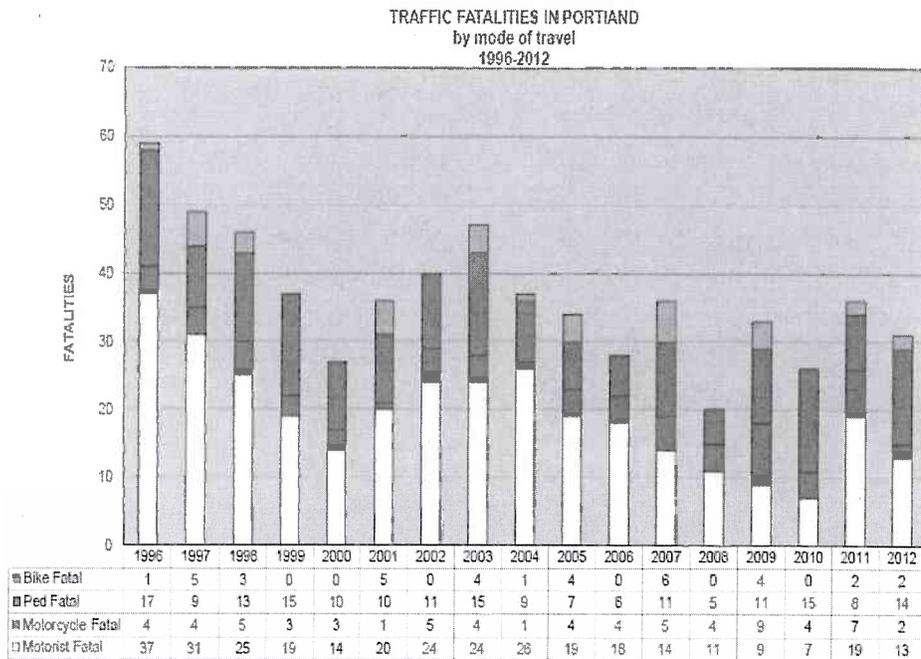
(7) As used in this section, "highway work zone" has the meaning given that term in ORS 811.230. [2007 c.634 §5]

Sec. 6. Sections 4 and 5 of this 2007 Act are repealed on December 31, 2014. [2007 c.634 §6]

One of the provisions of ORS 811.439 in regards to using photo-radar in a state highway work zone is that *one or more highway workers must be present*. To ensure compliance with this provision, officers deploying photo-radar on any given date will check-in with the project manager to ensure that work is being conducted. The officer will visually verify the presence of one or more “highway workers” and record that in a notation on the photo-radar deployment log.

C. IMPROVEMENTS IN TRAFFIC SAFETY

Studies have shown that photo-enforcement has been effective in reducing speeding within the boundaries of the City of Portland. The trend is clearly visible that with increasing exposure to photo radar, the percent of vehicles that were exceeding the posted speed limit has been decreasing. A possible interpretation of this trend is that photo radar vans are decreasing vehicle speeds; in turn, this could be assumed to be decreasing speed related crashes. There are other interpretations of course. People are now more familiar with the photo radar vans and their deployments and learn to slow down. The table below illustrates the decline in fatal crashes since the inception of the photo-enforcement program.





	2011	2012
Enforcement Hours	1,855	1,784
Vehicles Monitored	1,043,221	958,622
Violations Captured	38,149	29,490
Citations Issued	27,565	19,945

Top 5 Photo-Radar Deployment locations in 2011:

1. S.E. McLoughlin Blvd @ 3300 Block [Highway 99-E work zone]
2. N.E. Willow St. @ 6100 Block [Residential Street]
3. S.E. Hawthorne St./2400 block [Pedestrian corridor]
4. SE Division St/10800 block [High crash corridor]
5. S.E 92nd Ave. @ 2200 block [Posted school zone]

Top 5 Photo-Radar Deployment locations in 2012:

1. SE Hawthorne St./2400 block [Pedestrian corridor]
2. SE Division St/10800 block [High crash corridor]
3. SW Beaverton-Hillsdale Hwy. [High crash corridor]
4. NE Lombard St/2200 block [Traffic safety issue]
5. SE 92nd Ave./2200 block [Posted school zone]

II. PHOTO RADAR PROCESS OF ADMINISTRATION

The basic steps involved in issuing a photo radar citation are:

1. Violation detection
 2. Violation processing
 3. Quality control checks
 4. Citation review and approval by the police officer
 5. Citation mailing
1. Violation detection occurs when a police officer operating a marked police vehicle visually observes a violation. The police officer also hears an audible signal indicating the violator speed. The officer maintains an observation log at each deployment and takes notes of each violation.

At least three photographs are generated for each violation.

These include the vehicle in the radar beam approaching the police vehicle, a close up photo of the driver in the violation vehicle, and a close up picture of the violation vehicle license plate. The violation vehicle's speed is displayed on a reader board at the back of the photo radar vehicle.

The police officer maintains a checklist for each deployment to document that they are following all of the technical procedures for operating the photo radar equipment.

2. Violation processing:

Violation images are downloaded from the laptop computer aboard the photo-radar van each day by our vendor, Xerox State and Local Solutions [Formerly ACS]. Those images are sent electronically to the vendor's processing facility.

If they can identify the license plate, they send a request to the Oregon Department of Motor Vehicles (DMV) for the registered owner information. The DMV sends this information back to Xerox. The pertinent details of the violation (such as location, date, time, speed, etc.) are reviewed by the vendor along with the registered owner information.

3. The vendor discards violations where there is no gender match to the registered owner or owners. They also discard any violations where the driver is not identifiable due to factors such as glare, face blocked by a visor, etc.
4. Any violations that pass this first screening by Xerox are then sent to the issuing police officer as citations. The issuing police officer reviews the citations for accuracy and electronically signs them. The approved citations are sent back to Xerox for issuing.
5. Xerox then mails this citation, along with a photo from the violation, to the registered owner. This citation must be mailed to the registered owner within six (6) business days to remain in compliance with Oregon law. The registered owner has thirty (30) days to respond to this citation. They are afforded all of the same rights as a defendant would have with any traffic violation. The citation is processed through the State of Oregon Court system. The presumption in Oregon is that the registered owner is the driver at the time of the violation.

If the registered owner was not driving the vehicle when the violation occurred, they may file a Certificate of Innocence with the Circuit Court, at which time the citation will be dismissed. A Certificate of Innocence is included with each citation.

The Police Bureau's photo radar program manager subsequently reviews these Certificates of Innocence for accuracy.

III. PUBLIC ACCEPTANCE OF PHOTO RADAR

The City of Portland has been monitoring public opinion of photo radar over the years of deployment and enjoys a strong public acceptance of photo radar as a valuable tool against speeding. In September 1996, a public opinion poll was conducted that showed 74% of city residents approved of photo radar use in neighborhoods. This same poll showed that 89% of city residents approved of photo radar use in school zones.

In 2003, a public opinion poll was conducted by Davis & Hibbitts, Inc. showed that 87% of city residents were concerned about speeding.

Again in 2005, the public opinion firm of Davis, Hibbitts and Midghall, Inc. (DHM) conducted a telephone survey poll of Portland residents. Four hundred interviews were conducted and the purpose of the survey was to assess the impact of photo radar use in school zones. In this survey 68% of the respondents agreed with the use of photo radar in school zones. This survey also showed that 85% of the respondents would drive slower all of the time if they saw photo radar being used at least three times per week.

In 2010 the Portland Police Bureau's photo-enforcement program was selected for review as part of a study done for the National Cooperative Highway Research Program [NHRCP]. Our program was one of only five programs nationwide to be selected for review. Our program was selected because of its longevity, continued success, and continued public support. In that review, we stressed the importance of maintaining the public's trust and running a transparent program.

CITY OF BEAVERTON



Photo Radar Speed Enforcement Report to the Legislature Process and Outcome Evaluation February 2013

Photo Radar Speed Enforcement Report to the Legislature Process and Outcome Evaluation

**City of Beaverton
February 2013**

Project Manager

Adam Spang, Lieutenant

Program Coordinator

Peggy Porath

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I. Background – Legislative Report Requirements

Oregon Revised Statute (ORS) 810.438 was amended in 2005 to require cities using photo radar equipment to conduct a process and outcome evaluation for the legislature once each biennium. The law reads as follows:

(3) A city that operates a photo radar system under this section shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:

- (a) The effect of the use of the photo radar system on traffic safety;*
- (b) The degree of public acceptance of the use of the photo radar system;*
and
- (c) The process of administration of the use of the photo radar system.*

(4) By March 1 of each odd-numbered year:

- (a) The Department of Transportation shall provide to the Legislative Assembly an executive summary of the process and outcome evaluations conducted under subsection (3) of this section; and*
- (b) Each city that operates a photo radar system under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section. [1995 c.579 §1; 1997 c.280 §1; 1999 c.1071 §1; 2005 c.686 §3; 2007 c.634 §1; 2010 c.30 §9; 2011 c.545 §66]*

II. Effect of the Use of Photo Radar on Traffic Safety

ORS 810.438 (3)(a)

A. Background

Photo radar is a speed enforcement tool operated by trained police officers in a marked police vehicle. When radar detects a speeding vehicle, a camera takes a photograph of the driver and the vehicle license plate. A reader board mounted on the photo speed van displays the vehicle's speed to the driver. A citation is then mailed to the registered owner of the vehicle.

The City of Beaverton along with the City of Portland received authority from the 1995 Oregon State Legislature to conduct a two-year test of photo radar. After the successful test phase, the Legislature extended the use of photo radar. The City is now in its 18th fiscal year of operation with the program, and it has become a cornerstone of Beaverton's efforts to reduce speeding throughout the City.

B. Photo Radar Deployment Criteria

The Beaverton City Council directs the Police Department to spend 20% of their operating time in school zones, 35% in neighborhoods, and 45% of their time on major streets determined by the City Council to have been negatively impacted by speeding. Locations are selected using the following criteria: history of excessive speeding, risk for traffic crashes, source of citizen complaints, mixed use of the roadway (pedestrians, bicyclists, automobiles), special circumstances such as construction zones, and use by emergency vehicles.

C. Improvements in Traffic Safety

The program has been very successful in reducing speeds in Beaverton neighborhoods. When the program was first introduced in the City, Beaverton conducted traffic safety studies to determine its effectiveness. Traffic engineers collected speed data on select streets prior to the City's use of photo radar (1995). This data was compared to speed data after the introduction of photo radar (1996) on the same streets. Traffic engineers were careful to look both at streets where the speed van technology was used and not used and to compare the differences. The comparison results demonstrated:

- The percentage of vehicles exceeding 30 mph (more than five mph over the posted speed limit) declined by 28% on streets with photo radar and increased by 16% on the streets without photo radar.

- Average speeds decreased on the streets with photo radar by 1.6% and increased by 2.7% on the streets without photo radar.

In the second study conducted in April 1996, Beaverton engineers collected speed data on streets using photo radar and from the other streets using no photo radar on the same day. The engineers collected the speed data from the same streets one week later when photo radar was not deployed on any of the streets. The study results showed that photo radar reduced speeds significantly.

- Thirty-nine percent fewer vehicles exceeded 30 mph on the streets with photo radar than on the streets without photo radar during week one. Forty-five percent fewer vehicles exceeded 30 mph on the streets with photo radar than on the streets without photo radar during week two.
- Average speeds on the streets with photo radar were 4.6% lower than on streets without photo radar in week one and 5.4% lower in week two.

Today the photo radar program has proven itself to be consistent and reliable. The table below highlights program numbers from 2003 through 2012. In mid-October 2004 the City expanded the program by adding a second speed van.

Photo Radar Speed Enforcement Program Statistics 2003 -2012

	Average 2003-2010	2011	2012
Hours of Enforcement	5,741	6,524	6,826
Vehicles Monitored	1,394,303	1,496,566	1,605,944
Violations Captured	11,877	5,527	9,417
Citations Issued	7,023	3,805	5,897
Average Amount OVER Posted Speed Limit	12.0	11.7	11.9

D. Residence of Beaverton Photo Radar Violators

The majority of speeders detected by Beaverton's photo radar vans do not live in the City of Beaverton. The City has tracked this number over the years and it remains consistent. On average, ***79% of speeders detected by the City's photo radar vans do not live in Beaverton.*** Similar to the City's experience with the photo red light program, it is a constant challenge to attempt to modify driving behavior when so many drivers pass through our City.

III. The Degree of Public Acceptance of the Use of Photo Radar

ORS 810.438 (3)(b)

The City of Beaverton has conducted several different public opinion surveys over the years, both prior to using photo speed enforcement and after its introduction. The City hired Davis & Hibbits, Inc. to conduct the surveys. The results have been very consistent and demonstrate that Beaverton's photo radar program is strongly favored by Beaverton residents.

In September of 1995, Beaverton residents were surveyed to gauge their support for photo radar speed enforcement and their preferences for its use. The following outlines support for the use of photo radar prior to the City's use of the technology.

Question: How acceptable is the use of photo radar in the following?

Response: Very or somewhat acceptable.

On residential streets in neighborhoods	67%
In school zones	80%
In business districts	62%
On freeways.....	55%
On ANY city street.....	68%

Over the years, the City has asked citizens for their views on how the photo radar program is working. The majority of residents believe the program is doing a good job addressing the problem of speeding.

Question: In your opinion, has photo radar worked very well, fairly well, not very well, or not at all well?

Response: Very well or fairly well.

March 2001	64%
June 2000.....	62%
September 1999.....	62%
March 1999	56%
November 2012 (out of 668 people)	53%

The opportunity for public comment is available via the city website, city council meetings, police traffic hotline phone number and directly to the photo enforcement program coordinator. Feedback remains mostly positive.

IV. The Process of Administration of the Use of Photo Radar

ORS 810.438 (3)(c)

The administrative process for the use of photo radar speed enforcement encompasses many components. The steps for issuing a citation consist of: violation detection, violation processing, quality control checks, review and approval by the photo radar police officer, and finally citation creation and mailing. Intertwined in these steps are the city's compliance with legislative requirements dictated in ORS 810.438 and 810.439. After citations are issued they fall under the jurisdiction of Beaverton's Municipal Court.

A. Violation Detection

Beaverton has a well established photo radar program with 18 fiscal years of operating experience. An officer operates the photo radar van when violations are detected. The police officer maintains an observation log at each deployment and takes notes of each violation. The police officer also maintains a check list for each deployment to document that they are following all of the technical procedures. Four photographs are captured for each incident: the vehicle approaching the photo radar van, the vehicle passing the van, a close-up of the driver's face, and a close-up of the vehicle's license plate. In addition, the vehicle's speed is displayed on a reader board mounted on the van, so the driver has an immediate notification of their speed.

B. Violation Processing

Violations captured with the photo radar van are transmitted via the Internet to the City's vendor. Redflex looks at the images, identifies a violator's plate number and sends a request to the Oregon Department of Motor Vehicles (DMV) for the registered owner information. The DMV electronically sends back the registered owner's information to Redflex. The violation information containing details from the violation (such as location, date, time, direction of travel, speed, etc.) are reviewed by the operator along with the registered owner information. The operating police officer also cross-checks the data with their own observational notes from the deployment. The police officer is able to review the information over a web site and decide whether or not a citation should be created. If the officer approves the violation to become a citation, Redflex then mails the citation along with the photographs to the registered owner. This process from violation to citation mailing occurs within six business days in compliance with Oregon law.

The registered owner then has at least 30 days to respond to the citation. They are afforded all of the same rights as a defendant would have with any traffic violation. Once the citation has been created and mailed, the defendant now enters our justice system and their photo radar speeding citation is processed through the City's Municipal Court.

C. Municipal Court Processing of Photo Radar

The City of Beaverton has the first paperless Municipal Court in the nation. This accomplishment has streamlined the City's citation processing and increased the court's overall efficiency. A violator receiving a photo radar citation has all of the same rights and options as anyone with a traffic violation issued from an officer stop, with the addition of the Certificate of Innocence/Certificate of Non-Liability form.

An important component of Oregon's photo radar statute is that the citation is issued to the *registered owner* of the vehicle. Oregon law requires drivers to maintain their updated address information with the DMV. The presumption in Oregon on photo radar citations, as with parking tickets, is that the registered owner of the vehicle is the driver at the time of the violation. The onus is on the registered owner to provide evidence if they were not the driver at the time of the violation, through the process of completing a Certificate of Innocence or Certificate of Non-Liability form.

The majority of people who receive photo radar citations plead no contest and are convicted. Less than one quarter of the violations result in a dismissal due to completion of a Certificate of Innocence/Non-Liability form. The following chart highlights the outcomes of photo radar citations issued in Beaverton from January 2003 - December 2012.

Outcome of Citation	Number	Percent of Total
Convicted	42,343	70.2%
Dismissed—Certificate of Innocence	10,850	18.0%
Dismissed—Certificate of Non Liability	2,548	4.2%
Dismissed— Includes Traffic School Diversion	4312	7.1%
Pending	197	0.3%
Other	104	0.2%
TOTAL	60,354	100.0%

**CITY OF MILWAUKIE
PHOTO RADAR PROGRAM
REPORT
2011 – 2012**



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I. BACKGROUND – REPORT REQUIREMENTS

The Oregon Revised Statute authorizing photo radar in cities was amended in the Legislative session of 2005. This amendment required cities using photo radar to conduct a process and outcome evaluation once each biennium. Milwaukie provided its inaugural report on photo radar to the Legislature in 2011.

II. PHOTO RADAR AND ITS EFFECT ON TRAFFIC SAFETY

A. BACKGROUND

Photo radar is a method of traffic speed enforcement that is used to detect speeding violations and record identifying information about the vehicle and driver automatically. Violation evidence is processed and reviewed in an office environment and violation notices are delivered to the registered owners of identified vehicles after the alleged violation occurs, rather than at the time of the offense.

The City of Milwaukie received authority from the 74th OREGON LEGISLATIVE ASSEMBLY -- 2007 Regular Session by amendment of House Bill 2466 to implement a photo radar program. The City of Milwaukie's program has been in operation since March 27th, 2008.

B. PHOTO RADAR DEPLOYMENT

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with the intent to target specific categories of unlawful driving behavior.

Traffic enforcement techniques are based on accident data as well as enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic related needs.

Several factors are considered in the development of deployment schedules for traffic unit officers. Information provided by the Department of Motor Vehicles, Oregon Department of Transportation, and City of Milwaukie, are valuable resources for traffic crash occurrences and therefore officer deployment.

Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

The Milwaukie Police Department purchased one van for the deployment of photo radar equipment in 2007. The department received the Ford F150 Van from the manufacturer during the month of December 2007.

During the month of December 2007 the City of Milwaukie Public Works Department posted "Traffic Laws Photo Enforced" signs as required by the Oregon Revised Statutes.

During the months of February 2008 and March 2008 the photo radar van was equipped with emergency lights, vehicle decals, and ACS, State and Local Solutions photo radar equipment. The department conducted a road test of the vehicle and equipment on March 25th, 2008.

The goal of the Milwaukie Police Department's deployment of the photo radar van is to reduce traffic crashes and increase driver, passenger, and pedestrian, safety within the city by reducing vehicle speeds.

In order to obtain the department's overall goal, the photo radar van will be deployed in school zones, highway work zones, residential streets, and other streets to include the two highways that intersect in the city that the local jurisdiction has determined have an unusually high number of crashes or speeding complaints.

In compliance with ORS 810.438(2) (b) the Milwaukie City Council has made a finding that speeding on both highway 224 and highway

99E have a negative impact on traffic safety, thereby meeting the legal requirement for deployment along these specific problematic areas.

Initially, one officer who is certified by our vendor ACS, State and Local Solutions (ACS) was assigned to deploy the photo radar van. The department's initial deployments were dedicated to the Highway 224 Milwaukie Bypass corridor and McLoughlin Blvd. traffic corridor within the city's jurisdictional boundaries.

From March 2008 to October 2008 the department worked with the Milwaukie Municipal Court to obtain a smooth photo radar citation process. Also during this period the department worked with ACS to modify the initial vehicle set up for optimum use.

During the month of October 2008 six officers from the Milwaukie Police department attended an ACS Field Service Photo Radar Training class and obtained certification status.

Currently the Milwaukie program has five officers trained in the deployment of the photo radar van. One officer is assigned full-time. The others are trained but, currently are not assigned to deployment of the van.

C. IMPROVEMENTS IN TRAFFIC SAFETY

The City of Milwaukie's photo radar program has been very successful in helping to reduce traffic crashes within the city boundaries.

Traffic Crashes:

2006	2007	2008
Fatal - 0	Fatal - 1	Fatal - 1
Injury - 42	Injury - 44	Injury - 32
Non Injury - 127	Non Injury - 123	Non Injury - 98
Total - 169	Total - 168	Total - 131

Traffic Crashes:

2009	2010	2011	2012
Fatal -1	Fatal-0	Fatal-0	Fatal - 0
Injury - 28	Injury-38	Injury-60	Injury - 44
Non- Injury -107	Non-Injury-94	Non-Injury-118	Non- Injury -112
Total - 136	Total-132	Total-178	Total - 156

The Photo Radar Summary for the period of January to December of 2012 shows a total of 2733.44 Enforcement Hours, 84,431 Vehicles Monitored, 9904 Violations Captured, and 7649 Citations Issued.

III. PHOTO RADAR PROCESS OF ADMINISTRATION

There are many components to the administrative process of photo radar enforcement. The basic steps involved in issuing a photo radar citation are: violation detection, violation processing, quality control checks, citation review and approval by the police officer, and citation mailing.

1. Violation detection occurs when a police officer operating a marked police vehicle visually observes a violation. The police officer also hears an audible signal indicating the violator speed. He maintains an observation log at each deployment and takes notes of each violation.

At least three photographs are generated for each violation. These include the vehicle in the radar beam approaching the police vehicle, a close up photo of the driver in the violation vehicle, and a close up picture of the violation vehicle license plate. The violation vehicle's speed is displayed on a reader board at the back of the photo radar vehicle.

The police officer maintains a check list for each deployment to document that they are following all of the technical procedures for operating the photo radar equipment.

2. Violation processing, quality control checks, citation review, and citation mailing involves taking the digital photographic record from the camera inside the photo radar van to our vendor ACS, after a deployment.

The vendor develops digital photographic record and then looks at the photos. If they can identify the license plate, they send a request to the Oregon Dept of Motor Vehicles (DMV) for the registered owner information. The DMV sends this information back to ACS.

The pertinent details of the violation (such as location, date, time, speed, etc) are reviewed by the vendor along with the registered owner information. The vendor discards violations where there is no gender match to the registered owner or owners. They also discard any violations where the driver is not identifiable due to factors such as glare, face blocked by a visor, etc.

Any violations that pass this first screening by the vendor are then sent to the issuing police officer as citations. The issuing police officer reviews them for accuracy and signs them. ACS then mails this citation, along with a photo from the violation, to the registered owner.

This citation must be mailed to the registered owner within six (6) business days to remain in compliance with Oregon law. The registered owner has thirty (30) days to respond to this citation. They are afforded all of the same rights as a defendant would have with any traffic violation. The citation is processed through the State of Oregon Court system. The presumption in Oregon is that the registered owner is the driver at the time of the violation.

The registered owner must provide evidence that they were not the driver at the time of the violation. This process is usually done by the registered owner completing a Certificate of Innocence form and then returning it by mail to the City of Milwaukie municipal court staff. Once the form is received the citation is dismissed by the court.

Dismissed Photo Radar citations are then sent by the court to photo radar trained Milwaukie Police Officer who then reviews these Certificates of Innocence for accuracy.

Once the Certificates of Innocence are reviewed for accuracy they are then returned to ACS for any further required action.

IV. PUBLIC ACCEPTANCE OF PHOTO RADAR

The Milwaukie Police Department enjoys a strong public acceptance of photo radar as reported through seven different city neighborhood associations. In January 2011, the City of Milwaukie conducted a review of the photo radar program with our Public Safety Advisory Committee. The committee voted unanimously to continue its support of the photo radar program.

It should also be noted that in May 2011, the Milwaukie City Council voted to extend its contract with ACS and upgraded the technology to all digital equipment which has resulted in greater exposure clarity.

2011 ORS § 810.439¹

Citations based on photo radar

• response to citation

- (1) Notwithstanding any other provision of law, in the jurisdictions using photo radar:
 - (a) A citation for speeding may be issued on the basis of photo radar if the following conditions are met:
 - (A) The photo radar equipment is operated by a uniformed police officer.
 - (B) The photo radar equipment is operated out of a marked police vehicle.
 - (C) An indication of the actual speed of the vehicle is displayed within 150 feet of the location of the photo radar unit.
 - (D) Signs indicating that speeds are enforced by photo radar are posted, so far as is practicable, on all major routes entering the jurisdiction.
 - (E) The citation is mailed to the registered owner of the vehicle within six business days of the alleged violation.
 - (F) The registered owner is given 30 days from the date the citation is mailed to respond to the citation.
 - (G) The jurisdiction operating photo radar complies with the requirements described in ORS 810.438 (Photo radar authorized).
 - (b) A rebuttable presumption exists that the registered owner of the vehicle was the driver of the vehicle when the citation is issued and delivered as provided in this section.
 - (c) A person issued a citation under this subsection may respond to the citation by submitting a certificate of innocence or a certificate of nonliability under subsection (3) of this section or may make any other response allowed by law.
- (2) A citation issued on the basis of photo radar may be delivered by mail or otherwise to the registered owner of the vehicle or to the driver. The citation may be prepared on a digital medium, and the signature may be electronic in

accordance with the provisions of ORS 84.001 (Short title) to 84.061 (Federal electronic signatures law partially superseded).

- (3)** (a) A registered owner of a vehicle may respond by mail to a citation issued under subsection (1) of this section by submitting a certificate of innocence within 30 days from the mailing of the citation swearing or affirming that the owner was not the driver of the vehicle and by providing a photocopy of the owners driver license. A jurisdiction that receives a certificate of innocence under this paragraph shall dismiss the citation without requiring a court appearance by the registered owner or any other information from the registered owner other than the swearing or affirmation and the photocopy. The citation may be reissued only once, only to the registered owner and only if the jurisdiction verifies that the registered owner appears to have been the driver at the time of the violation. A registered owner may not submit a certificate of innocence in response to a reissued citation.
- (b)** If a business or public agency responds to a citation issued under subsection (1) of this section by submitting a certificate of nonliability within 30 days from the mailing of the citation stating that at the time of the alleged speeding violation the vehicle was in the custody and control of an employee or was in the custody and control of a renter or lessee under the terms of a rental agreement or lease, and if the business or public agency provides the driver license number, name and address of the employee, renter or lessee, the citation shall be dismissed with respect to the business or public agency. The citation may then be issued and delivered by mail or otherwise to the employee, renter or lessee identified in the certificate of nonliability.
- (4)** If the person named as the registered owner of a vehicle in the current records of the Department of Transportation fails to respond to a citation issued under subsection (1) of this section, a default judgment under ORS 153.102 (Entry) may be entered for failure to appear after notice has been given that the judgment will be entered.
- (5)** The penalties for and all consequences of a speeding violation initiated by the use of photo radar are the same as for a speeding violation initiated by any other means.
- (6)** A registered owner, employee, renter or lessee against whom a judgment for failure to appear is entered may move the court to relieve the owner, employee, renter or lessee from the judgment as provided in ORS 153.105 (Relief from default judgment) if the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. [1995 c.579 §2; 1997 c.280 §2; 1999 c.1051 §142; 1999 c.1071 §2; 2005 c.22 §516; 2005 c.686 §4; 2007 c.634 §2]

Note: Sections 4, 5 and 6, chapter 634, Oregon Laws 2007, provide:

Sec. 4. Highway work zone. (1) The Department of Transportation may operate photo radar within a highway work zone that is located on a state highway, except for a highway work zone located on an interstate highway.

- (2) The department, at its own cost, may ask a jurisdiction authorized to operate photo radar under ORS 810.438 (Photo radar authorized) (1) or the Oregon State Police to operate a photo radar unit in a highway work zone on a state highway, except for a highway work zone located on an interstate highway.
- (3) A photo radar unit operated under this section may not be used unless a sign is posted announcing that photo radar is in use. The sign posted under this subsection must be all of the following:
 - (a) Located on the state highway on which the photo radar unit is being used.
 - (b) Between 100 and 400 yards before the location of the photo radar unit.
- (4) The department shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (5) of this section that includes:
 - (a) The effect of the use of photo radar on traffic safety;
 - (b) The degree of public acceptance of the use of photo radar; **and**
 - (c) The process of administration of the use of photo radar.
- (5) The department shall report to the Legislative Assembly by March 1 of each odd-numbered year.
- (6) As used in this section, highway work zone has the meaning given that term in ORS 811.230 (Definitions). [2007 c.634 §4]

Sec. 5. Highway work zone; citation. (1) Notwithstanding any other provision of law, when a jurisdiction or the Oregon State Police uses photo radar in a highway work zone:

- (a) A citation for speeding may be issued on the basis of photo radar if the following conditions are met:
 - (A) The photo radar unit is operated by a uniformed police officer.
 - (B) The photo radar unit is operated out of a marked police vehicle.
 - (C) An indication of the actual speed of the vehicle is displayed within 150 feet of the location of the photo radar unit.
 - (D) The citation is mailed to the registered owner of the vehicle within six business days of the alleged violation.
 - (E) The registered owner is given 30 days from the date the citation is mailed to respond to the citation.

- (F) One or more highway workers are present. For the purposes of this subparagraph, highway workers has the meaning given that term in ORS 811.230 (Definitions).
- (G) The jurisdiction operating photo radar complies with the requirements described in section 4 of this 2007 Act.
- (b) A rebuttable presumption exists that the registered owner of the vehicle was the driver of the vehicle when the citation is issued and delivered as provided in this section.
- (c) A person issued a citation under this subsection may respond to the citation by submitting a certificate of innocence or a certificate of nonliability under subsection (3) of this section or may make any other response allowed by law.
- (2) A citation issued on the basis of photo radar may be delivered by mail or otherwise to the registered owner of the vehicle or to the driver. The citation may be prepared on a digital medium and the signature may be electronic in accordance with the provisions of ORS 84.001 (Short title) to 84.061 (Federal electronic signatures law partially superseded).
- (3) (a) A registered owner of a vehicle may respond by mail to a citation issued under subsection (1) of this section by submitting, within 30 days from the mailing of the citation, a certificate of innocence swearing or affirming that the owner was not the driver of the vehicle and by providing a photocopy of the owners driver license. A jurisdiction that receives a certificate of innocence under this paragraph shall dismiss the citation without requiring a court appearance by the registered owner or any other information from the registered owner other than the swearing or affirmation and the photocopy. The citation may be reissued only once, only to the registered owner and only if the jurisdiction verifies that the registered owner appears to have been the driver at the time of the violation. A registered owner may not submit a certificate of innocence in response to a reissued citation.

(b) If a business or public agency responds to a citation issued under subsection (1) of this section by submitting, within 30 days from the mailing of the citation, a certificate of nonliability stating that at the time of the alleged speeding violation the vehicle was in the custody and control of an employee, or was in the custody and control of a renter or lessee under the terms of a rental agreement or lease, and if the business or public agency provides the driver license number, name and address of the employee, renter or lessee, the citation shall be dismissed with respect to the business or public agency. The citation may then be issued and delivered by mail or otherwise to the employee, renter or lessee identified in the certificate of nonliability.
- (4)

If the person named as the registered owner of a vehicle in the current records of the Department of Transportation fails to respond to a citation issued under subsection (1) of this section, a default judgment under ORS 153.102 (Entry) may be entered for failure to appear after notice has been given that the judgment will be entered.

- (5) The penalties for and all consequences of a speeding violation initiated by the use of photo radar are the same as for a speeding violation initiated by any other means.
- (6) A registered owner, employee, renter or lessee against whom a judgment for failure to appear is entered may move the court to relieve the registered owner, employee, renter or lessee from the judgment as provided in ORS 153.105 (Relief from default judgment) if the failure to appear was due to mistake, inadvertence, surprise or excusable neglect.
- (7) As used in this section, highway work zone has the meaning given that term in ORS 811.230 (Definitions). [2007 c.634 §5]

Sec. 6. Sections 4 and 5 of this 2007 Act are repealed on December 31, 2014.
[2007 c.634 §6]

• • •

Notes of Decisions

Presumption that vehicle was driven by registered owner does not improperly shift burden of persuasion to defendant. *State v. Dahl*, 185 Or App 149, 57 P3d 965 (2002), *affd* 336 Or 481, 87 P3d 650 (2004)

Where vehicle is registered to single owner, presumption that registered owner was driving vehicle has sufficient rational basis to meet due process requirements. *State v. Dahl*, 185 Or App 149, 57 P3d 965 (2002), *affd* 336 Or 481, 87 P3d 650 (2004)

This section and ORS 810.438 (Photo radar authorized) are precitation procedural statutes that do not add to substantive requirements for commission of offense. *State v. King*, 199 Or App 278, 111 P3d 1146 (2005), Sup Ct review denied

Enumerated conditions for issuance of photo radar citation supersede ORS 153.045 (Citation) requirement for officer certification regarding offense. *State v. King*, 199 Or App 278, 111 P3d 1146 (2005), Sup Ct review denied

Related Statutes³

- 153.054
Service and filing

¹ Legislative Counsel Committee, *CHAPTER 810—Road Authorities; Courts; Police; Other Enforcement Officials*, <http://www.leg.state.or.us/ors/810.html> (2011) (last accessed Mar. 25, 2012).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2011, Chapter 810*, <http://www.leg.state.or.us/ors/annos/810ano.htm> (2011) (last accessed Mar. 25, 2012).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

Currency Information

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2011 ORS § 810.438¹

Photo radar authorized

- evaluation

- (1) The following jurisdictions may, at their own cost, operate photo radar:
 - (a) Albany.
 - (b) Beaverton.
 - (c) Bend.
 - (d) Eugene.
 - (e) Gladstone.
 - (f) Medford.
 - (g) Milwaukie.
 - (h) Oregon City.
 - (i) Portland.
 - (j) Tigard.
- (2) A photo radar system operated under this section:
 - (a) May be used on streets in residential areas or school zones.
 - (b) May be used in other areas if the governing body of the city makes a finding that speeding has had a negative impact on traffic safety in those areas.
 - (c) May not be used for more than four hours per day in any one location.
 - (d) May not be used on controlled access highways.
 - (e) May not be used unless a sign is posted announcing Traffic Laws Photo Enforced. The sign posted under this paragraph must:
 - (A) Be on the street on which the photo radar unit is being used;
 - (B) Be between 100 and 400 yards before the location of the photo radar unit;
 - (C) Be at least two feet above ground level; **and**

- (D) If posted in a school zone not otherwise marked by a flashing light used as a traffic control device, indicate that school is in session.

- (3) A city that operates a photo radar system under this section shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:
 - (a) The effect of the use of the photo radar system on traffic safety;
 - (b) The degree of public acceptance of the use of the photo radar system; **and**
 - (c) The process of administration of the use of the photo radar system.

- (4) By March 1 of each odd-numbered year:
 - (a) The Department of Transportation shall provide to the Legislative Assembly an executive summary of the process and outcome evaluations conducted under subsection (3) of this section; **and**
 - (b) Each city that operates a photo radar system under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section. [1995 c.579 §1; 1997 c.280 §1; 1999 c.1071 §1; 2005 c.686 §3; 2007 c.634 §1; 2010 c.30 §9; 2011 c.545 §66]

• • •

Notes of Decisions

This section and ORS 810.439 (Citations based on photo radar) are precitation procedural statutes that do not add to substantive requirements for commission of offense under ORS 810.439 (Citations based on photo radar). *State v. King*, 199 Or App 278, 111 P3d 1146 (2005)

Related Statutes³

- 810.439
Citations based on photo radar

¹ Legislative Counsel Committee, *CHAPTER 810—Road Authorities; Courts; Police; Other Enforcement Officials*, <http://www.leg.state.or.us/ors/810.html> (2011) (last accessed Mar. 25, 2012).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2011, Chapter 810*, <http://www.leg.state.or.us/ors/annos/810ano.htm> (2011) (last accessed Mar. 25, 2012).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

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AIS-1943

6.

Workshop Meeting

Meeting Date: 10/21/2014

Length (in minutes): 35 Minutes

Agenda Title: River Terrace Draft Funding Strategy Plan Follow-up

Prepared For: Debbie Smith-Wagar, Financial and Information Services

Submitted By: Toby LaFrance, Financial and Information Services

Item Type: Update, Discussion, Direct Staff **Meeting Type:** Council Workshop Mtg.

Public Hearing: No

Publication Date:

Information

ISSUE

Provide follow-up to Council on the progress of the River Terrace Funding Strategy

STAFF RECOMMENDATION / ACTION REQUEST

Staff will present additional information on the draft funding strategy for River Terrace. Staff is seeking input from Council to see if additional changes are needed prior to adoption of the plan on December 16, 2014.

KEY FACTS AND INFORMATION SUMMARY

At the September 23, 2014 Council Meeting, city staff and project consultants provided Council with information on the draft River Terrace Funding Strategy. The funding strategy uses information from the River Terrace infrastructure master plans for water, sewer, transportation, parks and stormwater and was developed after extensive analysis of the city's existing fund balances and revenue sources. Key components of the draft River Terrace Funding Strategy are as follows:

- It includes a funding recommendation for each infrastructure system.
- It identifies at least one and sometimes several viable funding packages for each system and then scores them using evaluation criteria to demonstrate, for example, how equitable or financially sustainable a particular funding package is relative to another funding package.
- It identifies which projects are likely to be needed in the near-term (0 – 6 years) and long-term (7 - 20 years). The near term project list was developed by staff through a series of workshops using available information about each system and future development patterns. This list and the assumptions upon which it was based was then vetted by developers and other service providers.

At the conclusion of the briefing on September 23, 2014, Council requested follow-up information on the funding strategies for park and transportation improvements. To that end, the project team conducted some additional analysis and prepared a new transportation funding scenario for Council's consideration, which is attached to this report.

The purpose of this briefing is to:

- Walk Council through the new transportation funding scenario and park System Development Charge (SDC) analysis.
- Seek Council feedback on the new transportation funding scenario and park SDC analysis.
- Verify that Council has no additional changes to other recommendations in the River Terrace Funding Strategy.
- Discuss next steps

If no additional significant changes are requested, Council will be asked on December 16, 2014 to approve a resolution adopting a final River Terrace Funding Strategy. The adopted funding strategy will not be binding. It will be a tool that guides how needed projects will be funded over time. It will also provide a work plan for staff to bring implementation tasks forward for Council consideration as needed.

OTHER ALTERNATIVES

Council can choose not to provide direction on the River Terrace Funding Strategy.

Council can instruct staff and consultants to make significant changes to the River Terrace Funding Strategy. This will likely require an additional Council meeting prior to approval of the resolution.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Successfully complete River Terrace Community Plan
Growth and Annexation

DATES OF PREVIOUS COUNCIL CONSIDERATION

- The project team presented Council with the stormwater master plan and funding strategies on July 22, 2014.
- The project team presented Council with the parks and transportation master plan addenda and funding strategies on June 17, 2014.
- Council approved the sewer master plan addendum on June 10, 2014 and the water master plan addendum on June 24, 2014.
- The project team presented Council with the water and sewer master plan addenda and funding strategies on May 20, 2014.
- The project team updated Council on the project on January 21, 2014.
- Council approved the contract for the River Terrace Community Plan (which includes the funding strategies) on June 25, 2013.
- Council considered the Draft River Terrace Funding Strategy document on September 23, 2014.

Attachments

Funding Strategy v2

PowerPoint Presentation

TIGARD RIVER TERRACE FUNDING STRATEGY

ADDENDUM

E. TRANSPORTATION (REVISED)¹

E.1 Overall Findings

Transportation infrastructure for River Terrace is required for new vehicle, pedestrian, and bicycle facilities. Traditionally, Tigard has worked in partnership with ODOT (responsible for upgrades to state facilities) and Washington County (responsible for county facilities). Tigard is responsible for upgrades to local routes, which include neighborhood routes and collector roads. Typically, developer construction/dedications are required for new neighborhood routes, and a mix of local funding sources are used to fund new collector routes and capacity expansion.

The City of Tigard's existing transportation funds are generally committed and not available for investing in new transportation improvements in River Terrace over the next five years. Tigard is in the process of considering a new local city-wide and/or sub-district transportation SDC (TSDC) to supplement the funds it receives from the Transportation Development Tax (TDT), which was approved by Washington County voters in 2008 and enacted in 2009.

The City will need to continue to work closely with Washington County to design/construct intersection connections with Scholls Ferry Road and Roy Rogers Road. In addition to developer funding of neighborhood routes, Development Agreements could be utilized to allow private developers to advance financing for road segments and intersection improvements (may be eligible for TSDC credits and reimbursement).

E.2 Public Facility Costs

Transportation infrastructure needs and costs are significant and often contingent on when and where new development occurs. Total transportation capital costs (for collector and arterial improvements and selected local neighborhood roads and trails) are estimated at \$139.1 million. Within the next 20-years, the capital cost for city facilities are expected to be approximately \$57.6 million, of which \$36 million is expected to be the city cost after accounting for developer dedications and state/county project funding (see **Exhibit 18**).

The near term project improvements include: the first phase of River Terrace Boulevard; a traffic signal at Roy Rogers Road/Bull Mountain road intersection; and a traffic signal at the Scholls Ferry Road/River Terrace Boulevard intersection.² The long term project needs (by year 2035) are expected to include all other road extensions, intersection improvements, and selected multi-use trails listed in **Exhibit 18**.

¹ This funding section for transportation was revised to take into account Tigard City Council input received at a City Council workshop on Sept. 23, 2014; and public input received on Sept. 30, 2014.

² It should be noted that the timing of signalized intersections on Washington County facilities and local cost sharing funding responsibilities are unknown at this time and will depend upon subsequent county signal warrant analysis and full funding agreements.

In addition to the projects listed in Exhibit 18, the River Terrace Transportation System Plan (TSP) addendum identifies additional projects that would likely be needed beyond year 2035 or would likely be led by Washington County or ODOT. The list of capital projects not reflected in Exhibit 18 includes:

- A portion of the north-south 3 lane collector that is planned to extend from Lorenzo Lane to Bull Mountain Road (ID#6B)
- Extension of 161st Ave. from Woodhue St. to Beef Bend Road (ID#11)
- Widening of Roy Rodgers Road (ID#22)
- Improving 150th Ave. from Bull Mountain Rd. to Beef Bend Road (ID#23)
- Some improvements where new streets meet existing collector streets
- 99W/Walnut Street intersection, added turn lanes (ID#24)
- 99W/Bull Mountain Road intersection, added north bound turn lane (ID#25)
- 99W/Durham Road intersection, added turn lanes (ID#26)

The transportation projects listed above and a portion of their capital cost may be considered as a component of a Tigard citywide TSDC, which has been estimated for River Terrace Funding Strategy purposes to be \$5,000 per dwelling unit (average).

E.3 Funding Scenarios

Five scenarios have been evaluated for funding the transportation infrastructure in River Terrace, as shown **Exhibit 19**. Each scenario includes some allocation of the city's street fund (which utilizes local and state fuel tax), the TDT, and developer dedications (for neighborhood streets and portions of new collector streets).

Funding Scenario A is considered to be most consistent with current practices used by the City of Tigard and would not be adequate for generating the amount of funding necessary to construct the transportation improvements listed in Exhibit 18.

Funding Scenario B adds citywide and sub-district TSDCs to the mix of funding sources.

Funding Scenario C includes a citywide TSDC and assumes the creation of a new River Terrace Urban Renewal District, which would require citywide voter approval.

Funding Scenario D includes a citywide TSDC, sub-district TSDC, LIDs, and G.O. Bonds, and does not include a urban renewal district.

Funding Scenario E includes a citywide TSDC and River Terrace district TSDC (in addition to the existing TDT) and assumes a transportation street utility fee surcharge of \$18/month within the River Terrace district.

After comparing these scenarios, using the evaluation criteria shown in Exhibit 20, Scenario E received the highest overall score.

Exhibit 18: Transportation Infrastructure Costs

Transportation Facilities, Costs and Timing		Capital Cost	City Cost*	Near Term	Potential Funding Lead	Funding Options
Project ID 2	Extend Lorenzo Ln. from West UGB to Roy Rodgers Rd.	\$2,500,000	\$225,000	<input type="checkbox"/>	City of Tigard	Local TSDC, TDT and street fund
Project ID 3	Extend Lorenzo Ln. from Roshak Rd. to Roy Rodgers Rd.	\$3,500,000	\$875,000	<input type="checkbox"/>	City of Tigard	Local TSDC, TDT and street fund
Project ID 5	3 lane N-S collector from Scholls Ferry to Lorenzo Ln. extension					
	Phase 1	\$9,262,500	\$6,287,500	<input checked="" type="checkbox"/>	City of Tigard	Local TSDC, TDT and street fund
	Phase 2	\$4,987,500	\$3,342,500	<input type="checkbox"/>	City of Tigard	Local TSDC, TDT and street fund
Project ID 6	3 lane N-S collector from Lorenzo Ln. extension to Bull Mountain Rd. (phase 1)	\$6,000,000	\$2,850,000	<input type="checkbox"/>	City of Tigard	Local TSDC, TDT and street fund
Project ID 7	3 lane N-S collector from Bull Mountain Rd. to the south UGB (phase 1)	\$9,750,000	\$5,200,000	<input type="checkbox"/>	City of Tigard	Local TSDC, TDT and street fund
Project ID 8	2 lane E-W collector between Roy Rodgers Rd. and N-S collector	\$2,500,000	\$50,000	<input type="checkbox"/>	City of Tigard	Local TSDC, TDT and street fund
Project ID NA	River Terrace Trail from Roy Rodgers Rd. to 150th Ave.	\$3,600,000	\$3,600,000	<input type="checkbox"/>	City of Tigard	Local TSDC, street fund, Metro/State grants and/or GO bond
Project ID 13	Roy Rogers Road / E-W collector traffic signal	\$1,000,000	\$1,000,000	<input type="checkbox"/>	WA County, City	Local TSDC, TDT and street fund
Project ID 14	Roy Rogers Road / Bull Mountain Rd traffic signal	\$1,000,000	\$1,000,000	<input checked="" type="checkbox"/>	WA County, City	Local TSDC, TDT and street fund
Project ID 15	Roy Rogers Road / Lorenzo Ln. extension traffic signal	\$1,000,000	\$1,000,000	<input type="checkbox"/>	WA County, City	Local TSDC, TDT and street fund
Project ID 16	Scholls Ferry Road / N-S collector traffic signal	\$1,000,000	\$1,000,000	<input checked="" type="checkbox"/>	WA County, City	Local TSDC, TDT and street fund
Project ID 18	Bull Mountain Rd. / N-S collector intersection or roundabout	\$1,500,000	\$1,500,000	<input checked="" type="checkbox"/>	WA County, City	Local TSDC, TDT and street fund
Project ID 19	E-W collector / N-S collector intersection or roundabout	\$2,000,000	\$1,300,000	<input type="checkbox"/>	City of Tigard	Local TSDC, TDT and street fund
Project ID 20	Woodhue St. / 161st Ave. extension intersection or roundabout	\$2,000,000	\$1,300,000	<input type="checkbox"/>	City of Tigard	Local TSDC, TDT and street fund
Project ID 21	Improve Bull Mountain Rd. from Roy Rodgers Rd. to Roshak Rd.	\$4,000,000	\$3,431,000	<input type="checkbox"/>	WA County, City	Local TSDC, TDT and street fund
Project ID NA	Improvements where new streets meet existing streets (Neighborhood) Near Term	\$500,000	\$500,000	<input checked="" type="checkbox"/>	City	Street fund
Project ID NA	Improvements where new streets meet existing streets (Neighborhood) Long Term	\$1,500,000	\$1,500,000	<input type="checkbox"/>	City	Street fund
Total Cost		\$57,600,000	\$35,961,000			

* reflects estimated city cost share after adjusting for the value of developer dedications (not eligible for TDT/TSDC credits) and non-city funding contribution

Exhibit 19: Transportation Funding Scenarios

Potential Funding Options	Funding Scenarios					Notes
Funding Source	A	B	C	D	E	
Fund Transfers	<input checked="" type="checkbox"/>	City may transfer local or state fuel tax revenue to transportation projects				
Utility Fee (existing city wide)	<input type="checkbox"/>	Funds are dedicated to street maintenance not capital construction				
Transportation System Development Charge (TSDC)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	City may establish new TSDC on new development citywide
River Terrace (RT)-TSDC (new Subdistrict)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	City may establish new RT-TSDC on new development in RT subdistrict
TDT (existing)	<input checked="" type="checkbox"/>	Existing TDT is charged to new development				
Special Taxing District	<input type="checkbox"/>					
LID or Reimbursement Dist. (new)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LIDs may provide important "gap" funding; requires 51%+ property owner approval
Urban Renewal District (new)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City voters may establish new URD in RT subdistrict
Tax Levy (new citywide GO bond)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Citywide voters may establish GO bonds for selected transportation improvements
Grants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Street Utility Fee Surcharge in RT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	New street utility fee surcharge in RT subdistrict
Developer*	<input checked="" type="checkbox"/>	Developers to provide neighborhood transportation facilities and can receive TDT/SDC credits for constructing eligible public facilities				
Preliminary Ranking	5	4	2	3	1	

*Developers to provide neighborhood transportation facilities and can receive TDT/SDC credits for constructing eligible public facility improvements.

E.4 Evaluation

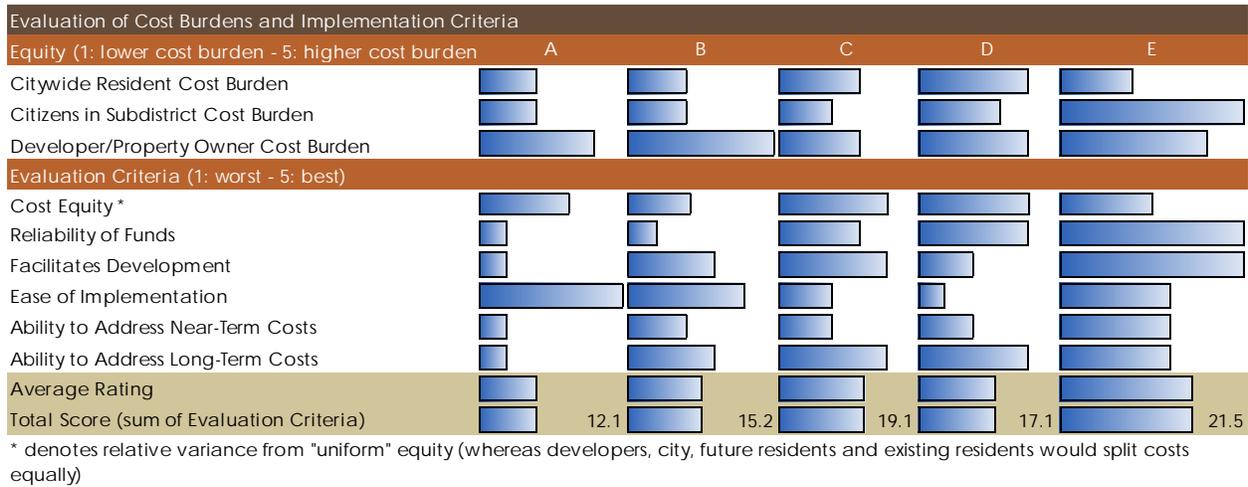
Scenario E is the recommended transportation funding scenario since it received the highest average rating with high marks for equity, facilitating development, reliability of funds, ease of implementation, and ability to address near-term and long-term costs.

Scenario C placed second in the evaluation, but since it relies on the creation of a voter-approved urban renewal district, it is very complex and difficult to implement, and may not generate adequate funding which could delay facility construction and delay development for many years.

Scenario D would also be difficult to implement, since it would rely upon a voter-approved GO Bond, and would not facilitate development, since it would rely on relatively high TSDC and LID costs per dwelling unit.

Scenarios A and B are not likely to generate adequate long-term funding to implement the planned transportation facilities (see **Exhibit 20**).

Exhibit 20: Transportation Funding Evaluation



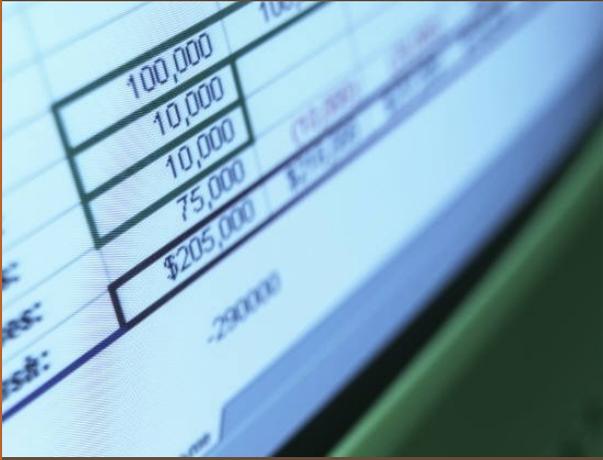
E.5 Analysis of Preferred Funding Scenarios

Funding Scenario E assumes that the City provides approximately \$150,000/year in street funds (state or local fuel tax revenue) to projects in River Terrace, which equates to \$3M over the next 20 years. Additionally, it is assumed that a new citywide TSDC is created (cost per dwelling unit assumed to be \$5,000 at this time with 75% of funding allocated to RT); and a new River Terrace district TSDC generates an additional \$3,000 per average dwelling unit (100% of funding allocated to RT); and 75% of the TDT revenue collected in River Terrace stays in River Terrace. A new River Terrace Transportation/Street Utility Fee surcharge of \$18/month would also generate much needed funding (\$5M over 20 years) for capital projects in River Terrace. Cost sharing among developers, Washington County and ODOT could result in additional funding for selected facilities listed above. See **Exhibit 21** for details.

Exhibit 21: Transportation Funding Strategy, Scenario E

Draft Recommended Funding Strategy (Scenario E)

Funding Mechanism	Who Pays?	How Much \$?	Notes
Fund Transfers	Citizens	Avg. \$150,000 a year contributions	Could come from local or state gas tax funds
SDC (Citywide)	Developers (citywide)	\$5,000 per dwelling (avg)	New citywide SDC; assumes 75% allotted to RT district
TDT (existing)	Developers (citywide)	TDT = \$6,323 per dwelling (avg)	Existing TDT (assumes 75% allotted to RT district)
SDC (RT Subdistrict)	Developers (RT only)	Subdistrict Transportation SDCs = \$3,000 per dwelling (avg)	New subdistrict SDC (100% dedicated to RT)
Street Utility Fee Surcharge in RT	Property Owners (RT only)	\$18/month surcharge	100% dedicated to RT projects
Street Dedications	Developers (RT only)	Local street and ROW dedications	Focus is usually for on site improvements
Grants	State/Metro citizens	\$900,000	focus on trails
WA County (cost share)	County property owners/citizens	varies	County roadway improvements
ODOT/Metro (cost share)	State/Metro citizens	varies	Hwy 99 improvements



Tigard River Terrace Draft Funding Strategy

October 21, 2014
City Council Work Session



Community Input

Consider.IT

- Growth should pay for growth

SWG Survey

- Costs should be split equally amongst:
 - ✓ Future residents
 - ✓ Tigard residents
 - ✓ Developers
 - ✓ Government

Developers

- Learn from North Bethany.
- Keep it affordable.

WA County

- Don't count on MSTIP dollars.
- Strategically refine transportation project list.

Methodology & Approach

- Developed Master Plans with project lists and cost estimates
- Identified near term projects
- Identified funding gaps and revenue sources
- Developed funding scenarios and ranked with evaluation criteria
- Obtained input on draft recommendations from City Council, Stakeholders and public at large
- Revised Funding Strategy
 - ✓ New Transportation Strategy
 - ✓ New Parks Strategy

Funding Strategy Report Outline



■ Purpose

- ✓ Prepare a funding plan for major capital facilities in River Terrace for:
 - ◆ Six years (near-term)
 - ◆ Build-out (long-term)

■ Contents

- ✓ Methodology
- ✓ Community Input
- ✓ Evaluation Criteria
- ✓ Potential Funding Sources
- ✓ Draft Infrastructure Funding Plan
- ✓ Policy Considerations

Evaluation Criteria

- Equity
 - Are costs equally distributed?
- Reliability of Funds
 - Will funding generate predictable revenue?
- Facilitates Development
 - Will funding leverage near-term private investment?
- Ease of Implementation
 - Voter approval required?
 - Precedence?
 - City staffing costs?
- Ability to Address Costs (Near-term and Long-term)

Revised Sample

Equity (1: lower cost burden - 5: higher cost burden)	Funding Scenario			
	A (status quo)	B	C	D
Citywide Resident Cost Burden				
Citizens in Subdistrict Cost Burden				
Developer/Property Owner Cost Burden				
Evaluation Criteria (1: worst - 5: best)				
Cost Equity *				
Reliability of Funds				
Facilitates Development				
Ease of Implementation				
Ability to Address Near-Term Costs				
Ability to Address Long-Term Costs				
Total Score (sum of Evaluation Criteria)				

* denotes relative variance from "uniform" equity (whereas developers, future residents and existing residents would split costs equally)

Revised evaluation criteria

City Council input:
Focus equity on 3 (not 4)
categories: citywide residents,
new RT residents, and developers

Potential Funding Sources in Urbanizing Areas

- Fund Transfers (e.g., gen. fund, street fund, etc.)
- Utility Rates (streets, water, sewer, storm)
- Transportation Development Tax (TDT)
- Local Improvement Districts
- Reimbursement Districts
- System Development Charges (SDCs)
- Urban Renewal District
- Special Districts (e.g., drainage district)
- Bonds
- Grants (Metro, state, federal)
- Developers (dedication of local improvements)

Water Funding Scenario

Near term projects: Cach reservoir, trunk lines (city), and 550 to 410 pressure reducing valve

Recommended Scenario (Scenario A)

Funding Mechanism	Who Pays?	How Much \$?	Notes
Utility Fees (Water Fund)	Customers	Avg. monthly water utility rates = \$38 per account*	Planned water utility rate increases
SDC (City wide, Water SDC Fund)	Developers	Water SDCs = \$7,580 per SFD*	Developers pay SDCs and provide local water lines

* these rates/SDCs are to be adjusted as part of citywide rate/SDC analysis for water by Jan. 2015.

Sanitary Sewer Funding Scenario

Near term projects:

River Terrace north/south force mains and pump stations, Barrows Road trunk upsizing, and Scholls Ferry trunk extension

Recommended Scenario (Scenario A)

Funding Mechanism	Who Pays?	How Much \$?	Notes
Utility Fees (Sewer Fund)	Customers (within city service district)	Avg. monthly sewer utility rates = \$54 per account	Additional citywide sewer rate surcharge required with or without River Terrace
SDC (Citywide, Sewer SDC Fund)	Developers	Sewer SDCs: \$4,900 per SFD	Developers provide local lines and pay sewer SDCs
CWS Capital Fund	Customers in CWS		CWS (capital fund)

Parks Funding Scenario B

Near term projects:

Land acquisition for future parks and trails

Funding Mechanism	Who Pays?	How Much \$?	Notes
City General Fund	Citizens		Fund Transfers
SDC (City wide)	Developers	Parks SDCs = \$6,451 per SFD (existing)	Developer SDCs
Utility Fee (new city wide)	Customers	+/- \$1.00 per month	New parks utility fee (with or without River Terrace)
G.O. Bond	Citizens	Bond costs \$47/year for \$311,100 median home	New city \$10M G.O. bond funded by levy of \$0.15 per \$1,000 assessed value
Grants	Other	+/- \$186,000	Metro, state or federal grants

***Draft funding scenario would result in under
funded parks improvements***

Parks Funding Scenario D

Near term projects:

Land acquisition for future parks and trails

Funding Mechanism	Who Pays?	How Much \$?	Notes
City General Fund	Citizens	\$250,000	Fund Transfers
SDC (City wide)	Developers	Parks SDCs = \$1,800 per SFD (est. avg)	Developer SDCs; 75% allotted to RT
SDC (RT District)	Developers	Parks SDCs = \$4,700 per SFD (est. avg)	Developer SDCs; 100% allotted to RT
Utility Fee (new city wide)	Customers	+/- \$1.11 per month (est. avg)	New citywide parks utility fee (75% allotted to RT)
G.O. Bond	Citizens	Bond costs \$63/year for \$311,100 median home	New city \$13 M.G.O. bond; \$0.20 per \$1,000 AV (70% allotted to RT)
Grants	Other	+/- \$996,000	Metro, state

New funding scenario results in greater equity and more \$ for parks improvements

Stormwater Funding Scenario

Near-term Projects:

- ✓ Stormwater modeling & design standards
- ✓ Development-Driven Facilities (as needed)
- ✓ Reimbursement District(s)

Recommended Scenario (Scenario D)

Funding Mechanism	Who Pays?	How Much \$?	Notes
General Fund	Citizens	Avg. of \$42,000 per year to seed reimbursement dist.	Discretionary fund transfers
SDC (City wide)	Developers	Current fee of \$500 per dwelling	Existing storm SDCs may be adjusted
Utility Fee (city wide)	Customers (city wide)	Avg. monthly storm utility rates = \$8.75	Existing rates may be adjusted
Utility Fee (RT subdistrict)	River Terrace Customers	\$12/month surcharge	New fee surcharge for River Terrace subdistrict
Reimbursement Districts	Developers or City advances financing; with future payments by builders	Assumes \$1-2M per district (every 6 years)	Focus may be on facilities involving multiple property owners with off site impacts
Developers	Developers		Developer dedications (on site)

Transportation Funding Scenario C

Near-term Projects

- ✓ Roy Rogers Signal
- ✓ Scholls Ferry Signal
- ✓ River Terrace Blvd. (segments)
- ✓ Local traffic calming

***City Council
input:
URD may be
better suited
in Tigard
Triangle***

Recommended Scenario (Scenario C)

Funding Mechanism	Who Pays?	How Much \$?	Notes
Fund Transfers	Citizens	Avg. \$1 million a year contributions	Could come from local or state gas tax funds
SDC (City wide)	Developers	Transportation SDCs = \$6,000 per dwelling (avg)	New citywide SDC (with % dedicated to RT)
TDT	Customers	TDT = \$6,323 per dwelling (avg)	Existing TDT (city could dedicate % of funds on RT)
Urban Renewal District	See Note 1		Urban Renewal District in RT
Street Dedications	Developers	Local street and ROW dedications	Focus is usually for on site improvements
WA County (cost share)	County Citizens	varies by project	
ODOT/Metro (cost share)	State/Metro Citizens	varies by project	

Note 1: tax increment finance revenue derived from new property tax payments by property owners within district; results in opportunity cost impact to taxing districts; and impacts how city collects/spends new revenues.

Transportation Funding Scenario D

Near-term Projects

✓ Same as Scenario C

**City Council input:
many issues and
concerns**

**Developer input:
market not ready for
this level of cost
burden**

**But
100% credit for
collector/arterial costs
is good**

Draft Funding Strategy (Scenario D)

Funding Mechanism	Who Pays?	How Much \$?	Notes
Fund Transfers	Citizens	Avg. \$1 million a year contributions	Could come from local or state gas tax funds
SDC (Citywide)	Developers (citywide)	Transportation SDCs = \$6,000 per dwelling (avg)	New citywide SDC (with % dedicated to RT)
TDT (existing)	Developers (citywide)	TDT = \$6,323 per dwelling (avg)	Existing TDT (city could dedicate % of funds on RT)
SDC (RT Subdistrict)	Developers (RT only)	Subdistrict Transportation SDCs = \$7,946 per dwelling (avg)	New subdistrict SDC (100% dedicated to RT)
LIDs (RT Subdistrict)	Property Owners (RT only)	varies by project	source of gap funding
Street Dedications	Developers (RT only)	Local street and ROW dedications	Focus is usually for on site improvements
Local Tax Levy (citywide)	Property owners (citywide)	Bond costs \$24/year for \$311,100 median home	New city G.O. bond with \$5M to River Terrace (levy \$0.075 per \$1,000 assessed value)
WA County (cost share)	County property owners/citizens	varies by project	
ODOT/Metro (cost share)	State/Metro citizens	varies by project	

Transportation Funding Scenario E (new recommended scenario)

Near-term Projects

- ✓ Same as Scenario C

Long-term Projects

- ✓ Focus on projects within City of Tigard
- ✓ Focus on city-owned facilities
- ✓ Assume longer-term (year 21+) phasing for projects outside city limits

Other issues:
Partial credit for collector/arterial improvements assumed (like current TDT policy);
City policy regarding TDT/SDC allocations

Draft Funding Strategy (Scenario E)

Funding Mechanism	Who Pays?	How Much \$?	Notes
Fund Transfers	Citizens	Avg. \$150,000 a year	Could come from local contributions or state gas tax funds
SDC (Citywide)	Developers (citywide)	tbd	New citywide SDC
TDT (existing)	Developers (citywide)	TDT = \$6,323 per dwelling (avg)	Existing TDT (city could dedicate 75% of funds on RT)
SDC (RT Subdistrict)	Developers (RT only)	Subdistrict Transportation SDCs = \$4,300 per dwelling (avg)	New subdistrict SDC (100% dedicated to RT)
Street Utility Fee Surcharge in RT	Property Owners (RT only)	\$20/month surcharge	100% dedicated to RT projects
Street Dedications	Developers (RT only)	Local street and ROW dedications	Focus is usually for on site improvements
Grants	State/Metro citizens	\$900,000	focus on trails
WA County (cost share)	County property owners/citizens	varies	County roadway improvements
ODOT/Metro (cost share)	State/Metro citizens	varies	Hwy 99 improvements

tbd= to be determined

Policy Considerations

General

- Consider adopting an Adequate Public Facilities ordinance
- Continue coordination regarding cost sharing
- Extend CIP to six years
- Update rates and SDCs to account for River Terrace
- Update SDC credit policy
- Consider SDC/TDT policies that dedicate portion of funding collected in RT to RT projects