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## INTRODUCTION

This case concerns a home rule challenge to three components of the comprehensive statewide regulation of traffic cameras and does not warrant the Court’s review. The State routinely regulates all aspects of Ohio’s roads, and those regulations may affect municipalities. The traffic-camera regulations in Am.Sub.S.B. No. 342 (“S.B. No. 342”)—which affect drivers, insurers, manufacturers, and municipalities—are no different. Taken together, these provisions create uniform expectations for Ohioans about the safety and efficacy of traffic cameras, as well as the procedures for associated violations. The Second District held that this is a legitimate exercise of the State’s police power and creates a rule for all Ohioans, and that S.B. No. 342 is therefore a general law. The court’s faithful application of precedent needs no further review.

Dayton’s arguments for jurisdiction rest on exaggerated views of both home rule authority and the traffic-camera statutes, and the issues it identifies are not implicated here. The decision below does not let the State “legislate the Home Rule Amendment out of existence,” nor does it contravene this Court’s prior cases on traffic cameras. The appellate court adhered to this Court’s longstanding directive that statutes in a home-rule challenge must be analyzed in the context of the larger regulatory framework. Additional review is unneeded.

Moreover, Dayton’s challenge is outdated in light of recent changes to the traffic-camera statutes. Those new provisions are not part of Dayton’s complaint (a challenge to the new statutes has been filed elsewhere) and go unmentioned in Dayton’s brief. If review of the traffic-camera statutes is needed, the Court should wait for an up-to-date challenge.

Even if this Court granted review, Dayton’s arguments would fail. The narrow issues considered below were whether S.B. No. 342 satisfies the third and fourth prongs of the *Canton* general-law test. (Dayton does not dispute that the bill satisfies all other parts of the home-rule test.) The Second District correctly held that both *Canton* factors in dispute were met.

## STATEMENT OF CASE AND FACTS

**A. Dayton operates traffic cameras pursuant to a city ordinance, and since 2009 the General Assembly has also regulated the operation of those traffic cameras.**

The City of Dayton has authorized “automated traffic control photographic systems” (“traffic cameras”) at intersections within its jurisdiction since 2002. *See Dayton v. State*, 2015-Ohio-3160, ¶ 7 (2d Dist.) (“App. Op.”). In 2010, Dayton began using traffic cameras to enforce speed violations, as well. *Id.* Dayton’s “ordinance provides for civil enforcement imposing monetary fines upon the owners of vehicles that do not comply with posted speed limits or commit red light violations.” *Id.* at ¶ 8. The ordinance also creates an administrative hearing process for violators who choose to appeal their tickets. *Id.* at ¶ 9.

As with many matters involving traffic and motorists, the General Assembly regulates traffic cameras and related enforcement. It first provided statewide rules for traffic cameras in 2009. *See* Sub. H.B. No. 30 (127th G.A.), available at <http://goo.gl/cTgoMI>. H.B. No. 30 forbade the use of traffic cameras unless a locality had “erected signs on every highway . . . inform[ing] inbound traffic that the local authority utilizes” cameras “to enforce traffic laws.” R.C. 4511.094(B)(1) (2009). It also imposed minimum timing requirements for yellow lights at intersections with operational traffic cameras. *See* R.C. 4511.094(C) (2009).

**B. In late 2014, the General Assembly enacted a comprehensive legislative scheme for the regulation of traffic cameras.**

After over a decade in which Ohio municipalities enacted a patchwork of traffic-camera enforcement programs, the General Assembly created a uniform legislative framework for traffic cameras in 2014. At that time, two intermediate appellate decisions had jeopardized the traffic-camera programs operated by municipalities like Dayton. *See Walker v. Toledo*, 2013-Ohio-2809 (6th Dist.); *Jodka v. Cleveland*, 2014-Ohio-208 (8th Dist.).

In response, the General Assembly passed S.B. No. 342. *See* Am.Sub.S.B. No. 342 (130th G.A.), available at <http://goo.gl/Bk1ntP>. S.B. No. 342 declared that localities “may utilize a traffic law photo-monitoring device for the purpose of detecting traffic law violations,” *see* R.C. 4511.093, and created an exception to the jurisdiction of municipal courts for violations recorded by traffic cameras, *see* R.C. 1901.20(A)(1), (C)(2). It thus eliminated any doubt created by the courts of appeals. The bill also created a legislative framework for the use of traffic cameras. *See generally* R.C. 4511.0910-R.C. 4511.099. Although “the initial decision whether to implement the use of traffic cameras is left to the individual municipality . . . their continued use becomes subject to the statewide conditions enunciated in” the bill. App. Op. at ¶ 11.

S.B. No. 342 covers all aspects of traffic cameras and related civil enforcement programs. It contains rules for manufacturers concerning the maintenance and accuracy of traffic cameras. *See* R.C. 4511.0911. It imposes rules for insurers, restricting their ability to consider traffic-camera violations to refuse coverage or increase premiums. *See* R.C. 3937.411. It sets forth the “[r]ights of those ticketed,” R.C. 4511.098, and provides procedures for issuing tickets, R.C. 4511.097, and for contesting those tickets, R.C. 4511.099. S.B. No. 342 also contains rules for local authorities that operate traffic cameras. *See, e.g.*, R.C. 4511.096(A) (requiring law enforcement officers to examine evidence recorded by traffic cameras before issuing a ticket).

**C. After Dayton challenged Am.Sub.S.B. No. 342 as a violation of Ohio’s Home Rule Amendment, the trial court granted partial summary judgment to Dayton and permanently enjoined enforcement of three of that bill’s provisions.**

Dayton sued the State in March 2015, seeking a declaratory judgment that S.B. No. 342 violates Section 3, Article XVIII of the Ohio Constitution, as well as a temporary restraining order and preliminary and permanent injunctive relief. *See* App. Op. at ¶ 2. The trial court did not award Dayton temporary relief, and both parties moved for Summary Judgment. *See id.* at ¶ 3. The court overruled the State’s motion and granted partial summary judgment to Dayton. *See*

*id.* at ¶ 5. Although it did not invalidate S.B. No. 342 in its entirety, it held that R.C. 4511.0912, R.C. 4511.093(B)(1) and (3), and R.C. 4511.095 (“Contested Provisions”) violated the Home Rule Amendment. *See* App. Op. at ¶ 5. These provisions include (1) a requirement that a locality not issue a ticket for speeding violations captured by a traffic camera that are less than specified speeds over the posted limit (R.C. 4511.0912); (2) a requirement that an officer be present at an operative camera (R.C. 4511.093(B)(1)); and (3) prerequisites for installing new traffic cameras (R.C. 4511.095(A)). The trial court held that these provisions failed to satisfy the third and fourth prongs of the test for general laws in *Canton v. State*, 95 Ohio St.3d 149, 2002-Ohio-2005, ¶ 21, and enjoined their enforcement. *See* App. Op. at ¶ 5.

**D. While the State’s appeal from the trial court was pending, the General Assembly enacted provisions that adjust municipalities’ local government funding based on compliance with Ohio’s traffic-camera laws.**

The State appealed the trial court’s decision to the Second District. After the close of briefing, but before the Second District had issued its opinion, the General Assembly passed H.B. No. 64, the State’s biennial budget bill. *See* Am.Sub.H.B. No. 64 (131st G.A.). H.B. No. 64 enacted two sets of provisions related to traffic cameras (“Budget Provisions”). The first directs local authorities to report to the State their compliance with Ohio’s traffic-camera laws; if a local authority is not in compliance, it must report the amount of civil fines issued for violations recorded by traffic cameras. *See* R.C. 4511.0915(A)-(B). The second adjusts local government funding for delinquent or noncompliant subdivisions. *See* R.C. 5747.502. Local authorities that operate traffic cameras that are not in compliance with state law (or that fail to report the status of their compliance) receive reduced local government fund payments. *See* R.C. 5747.50(C)(5); 5747.502(B)-(C). The provisions provide for redistributing withheld funds to subdivisions that are in compliance with state traffic-camera laws. *See* R.C. 5747.502(D)-(E).

**E. The Second District Court of Appeals reversed the trial court’s decision and vacated the permanent injunction.**

In the Second District, the State’s appeal focused on one issue: whether, under this Court’s *Canton* test, S.B. No. 342 is a general law. App. Op. at ¶ 21-22. (The Budget Provisions are not part of this appeal.) The State argued that the trial court had erred in concluding that the Contested Provisions (a) were not police regulations (*Canton*’s third prong), and (b) did not prescribe a rule of conduct on citizens generally (*Canton*’s fourth prong). *See id.* at ¶ 16-18. In a unanimous opinion, the Second District agreed with the State and reversed. *Id.* at ¶ 39-41.

The court first determined that S.B. No. 342 satisfies the third *Canton* prong because it “provides for a uniform, comprehensive, statewide statutory scheme regulating the use and implementation of [traffic cameras], and was clearly not enacted to limit municipal legislative powers.” *Id.* at ¶ 36. Although the Contested Provisions contain requirements for municipalities that choose to operate traffic cameras, the Second District adhered to this Court’s admonition that “sections within a chapter will not be considered in isolation when determining whether a general law exists.” *Id.* at ¶ 33 (quoting *Mendenhall v. Akron*, 117 Ohio St.3d 33, 2008-Ohio-270, ¶ 27). Considering the statutory framework as a whole, the court rejected Dayton’s argument that S.B. No. 342 merely limited municipal legislative powers. *Id.*

The court next concluded that S.B. No. 342 satisfies the fourth prong of the *Canton* test because it contains rules ensuring “that traffic law photo-enforcement is implemented and regulated in the manner which best serves the statewide public interest and its citizenry.” *Id.* at ¶ 37. It found that the trial court erred by failing to consider numerous instances in which the bill “directly and uniformly applied to all motor vehicle operators in Ohio.” *Id.* at ¶ 38. It thus held that the bill as a whole prescribes a rule of conduct upon citizens generally. Dayton appealed the decision, arguing that the Contested Provisions violate home rule. Jur. Mem. at 1, 3-5.

**THIS CASE DOES NOT INVOLVE A SUBSTANTIAL CONSTITUTIONAL QUESTION  
AND IS NOT OF PUBLIC OR GREAT GENERAL INTEREST**

The Court should decline jurisdiction for several reasons. First, the issues Dayton describes are not implicated here. This case is about traffic laws and the State's power to legislate on that topic. The Second District correctly resolved that question, and this Court's review would merely affirm what it has always held. By contrast, had the Second District ruled in Dayton's favor, this appeal would merit review because it would mean that localities could trump the General Assembly on matters of statewide concern. Because the Second District's decision is consistent with this Court's precedent, jurisdiction is unwarranted. Second, this case is a flawed vehicle for review because it does not involve the entirety of traffic-camera statutes that now exist. The Budget Provisions that adjust local government funding based on compliance with Ohio's traffic-camera laws were enacted *after* the trial court issued its decision; they are not part of Dayton's Complaint, and go unreferenced in its Memorandum in Support of Jurisdiction. If the Court intends to enter this debate, it should wait for an up-to-date challenge.

**A. The issues Dayton identifies are not implicated in this appeal.**

The issues in Dayton's memorandum are premised on mistaken views of the Home Rule Amendment and the State's traffic-camera laws. This Court's review is therefore unnecessary.

**1. Dayton's appeal is premised on an incorrect view of its home rule powers.**

Dayton overstates this case's implications for home rule authority. *First*, Dayton incorrectly asserts that the Second District's decision permits the "General Assembly . . . [to] legislate the Home Rule Amendment out of existence by simply burying unconstitutional statutes within larger bills." Jur. Mem. at 1. The decision below created no such rule. The Second District adhered to this Court's longstanding directive that "sections within a chapter will not be considered in isolation when determining whether a general law exists." *Mendenhall*, 117 Ohio

St.3d 33, 2008-Ohio-270, at ¶ 27. The trial court, by contrast, *ignored* this principle when it granted partial summary judgment to Dayton. *See* App. Op. at ¶ 33 (faulting analysis of law “in isolation”). Strangely, Dayton criticizes the General Assembly for enacting comprehensive legislation, when such comprehensiveness is *required* to satisfy the test for general laws. *See Canton*, 95 Ohio St.3d 149, 2002-Ohio-2005, at ¶ 21. Because the appellate court broke no new ground, jurisdiction is not warranted.

*Second*, Dayton’s claim that “the Second District allowed the State to circumvent . . . *Mendenhall* . . . and *Walker*” (upholding traffic-camera programs), is based on an erroneous view of home rule. Jur. Mem. at 1. As an initial matter, the General Assembly passed S.B. No. 342 *before* this Court issued its *Walker* decision. More importantly, where local self-government is not implicated—and all parties agree that here, it is not—a municipality’s police powers do not limit the State’s police powers on matters of statewide concern. “Once a matter has become of such general interest that it is necessary to make it subject to statewide control as to require uniform statewide regulation, the municipality can no longer legislate in the field so as to conflict with the state.” *Cleveland v. State*, 128 Ohio St.3d 135, 2010-Ohio-6318, ¶ 12 (quotation omitted). In other words, the fact that municipalities *may* enact traffic-camera programs (as in *Mendenhall* and *Walker*) does not mean that the State *may not* displace or regulate them when those programs are matters of statewide concern. That is black-letter law.

*Finally*, Dayton wrongly suggests that the General Assembly may never regulate municipalities directly. *See* Jur. Mem. at 11-14. To the contrary, the General Assembly frequently enacts laws that local authorities must follow. *See, e.g.*, R.C. 4511.19(D)(1)(b) (requiring blood alcohol analyses “in accordance with methods approved by the director of health”); R.C. 4511.212(B) (authorizing the director of transportation to order local authorities to

comply with school zone laws). Dayton’s expansive view of its home rule authority would inhibit the General Assembly’s ability to legislate on topics of statewide concern when local authorities disagree. The novel analysis that Dayton seeks jeopardizes countless laws in areas where the General Assembly has created uniform regulations that implicate municipalities.

The General Assembly has regularly used its police power to pass traffic laws, an area that regulates municipal conduct. The Contested Provisions are nothing new. The State has long governed the way cities “place and maintain traffic control devices.” R.C. 4511.11(A). Indeed, cities may not even “purchase or manufacture any traffic control device that does not conform to the state manual” without permission of the Ohio Department of Transportation. R.C. 4511.11(F). Although municipalities may enact traffic ordinances that exceed state law, those ordinances are ineffective “until signs giving notice of the local traffic regulations are posted” to alert motorists. R.C. 4511.07(B). Local officers enforcing traffic laws must wear “distinctive uniform[s],” R.C. 4549.15, and their cars must “be marked in some distinctive manner or color,” R.C. 4549.13. And since 2009, a municipality’s operation of traffic cameras has been conditioned on the posting of signs informing motorists of those cameras. R.C. 4511.094(A)(1).

Dayton’s view would torpedo these regulations, and that view is inconsistent with this Court’s home rule cases. In *State v. Parker*, 68 Ohio St.3d 283 (1994), for example, the Court observed of R.C. 4511.07(B)’s signage requirements for local traffic regulations: “This is a notice requirement and its purpose is clear. While the municipality may legislate in this area, it must post signs to give warning of a variant local regulation to drivers so that they may not unwittingly violate the law.” *Id.* at 285. *See also Cleveland*, 128 Ohio St.3d 135, 2010-Ohio-6318 (upholding statute restricting municipalities’ ability to regulate firearms); *Marich v. Bob Bennett Constr. Co.*, 116 Ohio St.3d 553, 2008-Ohio-92 (statute requiring municipalities to

participate in a permit-review process is a general law); *Am. Financial Svcs. Ass'n v. Cleveland*, 112 Ohio St.3d 170, 2006-Ohio-6043 (upholding statute precluding municipalities from regulating consumer mortgage lending). Review is unwarranted, because the decision below was in line with these decisions.

**2. The Contested Provisions advance the State's policy of ensuring that traffic cameras are used in a safe, effective, and open manner.**

Dayton also misreads the traffic-camera statutes themselves. Dayton says that the Contested Provisions are merely a “de facto ban on cities’ use of photo enforcement programs.” *See* Jur. Mem. at 2. Not so. S.B. No. 342 *permits* the use of traffic-camera enforcement programs, and creates conditions for their implementation. *See* R.C. 4511.093(A) (“A local authority may utilize a traffic law photo-monitoring device for the purpose of detecting traffic law violations.”). Cities are free to enforce their traffic laws, and may continue to use traffic cameras so long as they comply with state law. Indeed, Youngstown reportedly continues to use cameras in compliance with S.B. No. 342, and issued nearly 1,800 tickets in one month. *See* Kovac, *Youngstown Use of Cameras Meets Law Requirements, Key Legislator Says*, *The Vindicator* (Sept. 9, 2015), <http://goo.gl/RDHxWY>.

Moreover, the Contested Provisions are not “purposeless,” *see* Jur. Mem. at 4. Dayton’s suggestion that the required safety study must be in place for three years before a traffic camera may be installed, *see id.*, misreads the statute. The statute does *not* require a three-year wait. Rather, a city must study the “incidents that have occurred in the designated area over the *previous three-year period*,” and make that study “*available to the public* upon request.” R.C. 4511.095(A)(1) (emphasis added). Surely, when a city installs a traffic camera, it is for reasons of public safety, and those reasons should be public. *But see* Sullivan, *Red-Light-Camera Debate Focused on Money*, *The Columbus Dispatch* (Aug. 9, 2015), <http://goo.gl/xrcQao>.

Dayton also criticizes the officer-presence requirement in R.C. 4511.093(B)(1) as not “serving any obvious purpose,” *see* Jur. Mem. at 3. But this provision allows municipalities to issue tickets without the time-consuming steps of traditional traffic stops, while still balancing citizens’ concerns about mechanical failures or the exercise of judgment. For example, an officer present at an intersection where a funeral procession passes through a red light can note the procession and not issue tickets for those “violations”; an automated traffic-camera cannot.

**B. This case is a flawed vehicle for review of Ohio’s traffic-camera laws because key provisions enacted in 2015 are not part of this appeal.**

This Court should also decline review because the statutory landscape has changed since Dayton filed its Complaint, and as a result this appeal addresses an outdated snapshot of Ohio’s traffic-camera statutes. The Budget Provisions, which create financial consequences for failure to comply with the State’s traffic-camera statutes, *see* R.C. 4511.0915 and R.C. 5747.502, were signed into law well after briefing concluded in this case in the Second District. Prior to their passage, the Revised Code had no specific consequences for municipalities that ignored the traffic-camera statutes. These provisions are at issue in separate litigation filed by the City of Akron. *See Akron v. State*, Summit C.P. No. CV-2015-07-3666.

The Budget Provisions are not part of Dayton’s Complaint, and are not even referenced in its Memorandum in Support of Jurisdiction. They are not part of this appeal. As this case does not involve Ohio’s traffic-camera laws as they currently exist, it would be improvident for the Court to grant discretionary review. *Cf. State v. Bartum*, 121 Ohio St.3d 148, 2009-Ohio-355, ¶ 21 (O’Donnell, J., dissenting) (would dismiss appeal as improvidently accepted because relevant statute was modified). If the Court wishes to speak on this issue, it should wait for a challenge to the statutes in both S.B. No. 342 and H.B. No. 64.

## ARGUMENT

### **Appellee's Proposition of Law:**

*Ohio's traffic-camera statutes are general laws that displace conflicting municipal traffic-camera ordinances.*

Even if this Court were to grant review, Dayton's claim would fail on the merits. The issue is whether the Contested Provisions violate the Home Rule Amendment. *See* Jur. Mem. at 1. That amendment grants municipalities the "authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws." Ohio Constitution, Article XVIII, Section 3. Dayton concedes that its ordinance is an exercise of police power, and that it conflicts with state law. Jur. Mem. at 8. Thus, the only issue is "whether SB 342 is a general law." *Id.*

The court of appeals correctly held that S.B. No. 342 is a general law. General laws "promote[] statewide uniformity" in areas that have become "of such general interest that it is necessary to make it subject to statewide control." *Cleveland*, 128 Ohio St.3d 135, 2010-Ohio-6318, at ¶ 12 (citation omitted). Whether a law is a general law turns on the *Canton* test, which requires that a statute

(1) be part of a statewide and comprehensive legislative enactment, (2) apply to all parts of the state alike and operate uniformly throughout the state, (3) set forth police, sanitary, or similar regulations, rather than purport only to grant or limit legislative power of a municipal corporation to set forth police, sanitary, or similar regulations, and (4) prescribe a rule of conduct upon citizens generally.

*Canton*, 95 Ohio St.3d 149, 2002-Ohio-2005, at syllabus. Dayton does not contest the holdings of both the trial and appellate courts that S.B. No. 342 meets parts one and two of the test. *See* App. Op. at ¶ 24. That leaves just the third and fourth prongs in dispute. The court of appeals correctly held that they are likewise met.

**A. Ohio’s traffic-camera statutes are a standard exercise of the State’s police power, and do more than grant or limit municipal powers.**

The provisions in S.B. No. 342, including the Contested Provisions, regulate traffic and traffic-enforcement programs—standard employments of the State’s police powers. General laws “set forth police, sanitary, or similar regulations, rather than purport only to grant or limit legislative power of a municipal corporation.” *Canton* at syllabus. The appellate court correctly applied two bedrock principles of this Court’s home rule caselaw to conclude that S.B. No. 342 is not a mere limit on municipal power; Dayton must ignore both principles to prevail.

*First*, when determining whether a statute is a general law for home rule analysis, courts should not assess the statute in a vacuum. Dayton asks the Court to examine the Contested Provisions without regard for the rest of the legislative framework. But this Court has repeatedly instructed against that approach. *See Cleveland*, 128 Ohio St.3d 135, 2010-Ohio-6318, at ¶ 29 (reversing decision that considered statute “in isolation,” rather than part of “comprehensive collection”); *Mendenhall*, 117 Ohio St.3d 33, 2008-Ohio-270, at ¶ 27; *Ohio Ass’n of Private Detective Agencies v. N. Olmsted*, 65 Ohio St.3d 242, 245 (1992) (upholding statute, even though, “[c]onsidered in isolation, such a provision may fail to qualify as a general law”); *Clermont Evtl. Reclamation Co. v. Wiederhold*, 2 Ohio St.3d 44, 48 (1982) (part of law “should not be read and interpreted in isolation.”). The Second District adhered to this principle, and the trial court ignored it. *See App. Op.* at ¶ 30-33.

Dayton cites *Canton* to argue that it was improper for the Second District to analyze the Contested Provision together with the other traffic-camera provisions of S.B. No. 342. *See Jur. Mem.* at 8-9. But *Canton* is distinguishable. In *Canton*, the statute in question was *not* part of a “statewide and comprehensive . . . plan,” and did not operate uniformly throughout Ohio. *Canton* at ¶ 23, 30. Thus, there was no larger framework to consider. But here, both the trial

and appellate courts held that the Contested Provisions are part of a comprehensive law of uniform operation, *see* App. Op. at ¶ 24, and Dayton has not appealed those determinations. The Contested Provisions should be considered within the framework of S.B. No. 342 as a whole.

*Second*, the regulation of traffic is a standard exercise of the State’s police power, and the statutes here do “more than grant or limit state powers.” *See Mendenhall* at ¶ 24. This Court has repeatedly held that “the regulation of traffic is an exercise of police power that relates to public health and safety as well as the general welfare of the public.” *Marich*, 116 Ohio St.3d 553, 2008-Ohio-92, at ¶ 14 (collecting home-rule traffic cases). The State regulates traffic, roads, and motorists extensively. *See supra* pp. 8-9. These regulations necessarily affect municipalities, while also creating uniform expectations for the general public. *See, e.g.*, R.C. 4511.11(A), (F). The State’s regulation of traffic cameras is no different.

S.B. No. 342, part of the State’s larger package of traffic laws, “provides for a uniform, comprehensive, statewide statutory scheme regulating the use and implementation of traffic law photo-monitoring devices in Ohio.” App. Op. at ¶ 36. It makes sense to have a uniform baseline, as motorists may be ticketed and fined in unfamiliar jurisdictions, unaware that a traffic camera has captured a violation. To be sure, some of S.B. No. 342’s provisions—including the Contested Provisions—touch municipal activity. *See id.* at ¶ 28-29. But these provisions exist alongside a host of others that, taken together, create uniform rules about traffic cameras for motorists who travel across Ohio. *See id.* at ¶ 27 (discussing contents of S.B. No. 342).

The Contested Provisions are not “de facto bans” on traffic-camera programs. Jur. Mem. at 2. Although they may increase the cost of operating traffic cameras, they reflect the General Assembly’s policy of ensuring that traffic cameras are used safely and effectively, and that the public has both access to information and confidence in how and why they are deployed.

Dayton's reliance on *Linndale v. State*, 85 Ohio St.3d 52 (1999), is misplaced, as the statute in that case *prohibited* enforcement of local traffic laws in a limited number of cities. Here, the State has not foreclosed enforcement of local traffic laws. It has merely created uniform rules for operating traffic cameras, much like the Manual of Uniform Traffic Control Devices does for traffic lights. Similarly, *Cleveland v. State*, 138 Ohio St.3d 232, 2014-Ohio-86, is no help to Dayton; the statute there prevented municipalities from enforcing regulations even in areas unregulated by the state, as opposed to the statute creating statewide regulations here.

**B. Ohio's traffic-camera statutes prescribe a rule of conduct upon citizens generally.**

S.B. No. 342 satisfies the final prong of the *Canton* test because it ensures "that traffic law photo-enforcement is implemented and regulated" in a way that "serves the statewide public interest." App. Op. at ¶ 37. "All sections of a chapter must be read in *pari materia* to determine whether the statute . . . is part of a statewide regulation and whether the chapter as a whole prescribes a rule of conduct upon citizens generally." *Mendenhall*, 117 Ohio St.3d 33, 2008-Ohio-270, at ¶ 27. The appellate court correctly examined the Contested Provisions in the context of *all* of Ohio's traffic-camera statutes. *See* App. Op. at ¶ 37-38. Taken together, these statutes create uniform expectations about traffic-camera enforcement programs for all Ohioans.

S.B. No. 342 affects motorists, insurers, traffic-camera manufacturers, and municipalities. *See id.* at ¶ 27. The Contested Provisions are but three pieces of this puzzle. Although the provisions necessarily regulate municipalities' use of traffic cameras, those municipalities cannot block statewide regulation on matters of statewide concern. Just as the statutes in *Clermont*, *North Olmsted*, *American Financial*, and *Cleveland* (2010) regulated municipalities as part of a larger framework, the General Assembly may also regulate municipalities' use of traffic cameras as part of a broader regulation of statewide traffic enforcement. Viewed in context, the Contested Provisions further S.B. No. 342's purpose by ensuring that traffic cameras are

accurate, that they are employed for safety considerations, and that the public is confident in their use. The provisions create rules and expectations that apply to all Ohioans.

Dayton (again) wrongly relies on *Canton* and *Linndale* to argue that statutes regulating municipalities violate the Home Rule Amendment. *See* Jur. Mem. at 12-13. Those cases are distinguishable, as the statutes there *merely* limited municipal authority, and were not part of comprehensive regulations. *See Canton*, 95 Ohio St.3d 149, 2002-Ohio-2005, at ¶ 23 (statutes were “not part of a statewide and comprehensive zoning plan”); *Linndale*, 85 Ohio St.3d at 55 (“The statute before us is not part of a system of uniform statewide regulation.”). Where statutes regulating municipalities *are* part of a statewide framework (as here), Ohio courts examine the larger framework to determine whether it prescribes a rule of conduct on citizens generally. *See, e.g., Clermont*, 2 Ohio St.3d at 48. The Second District correctly examined S.B. No. 342 “in its entirety” to conclude that it properly prescribes such a rule. *See* App. Op. at ¶ 38.

## CONCLUSION

For the above reasons, the State urges the Court to deny jurisdiction.

Respectfully submitted,  
MICHAEL DEWINE  
Attorney General of Ohio

*s/Jordan S. Berman*

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**JORDAN S. BERMAN (0093075)**  
TIFFANY L. CARWILE (0082522)  
Assistant Attorneys General  
Constitutional Offices Section  
30 East Broad Street, 16th Floor  
Columbus, Ohio 43215  
Tel: 614-466-2872  
Fax: 614-728-7592  
jordan.berman@ohioattorneygeneral.gov  
tiffany.carwile@ohioattorneygeneral.gov

*Counsel for Defendant-Appellee State of Ohio*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Memorandum of Defendant-Appellee State of Ohio Opposing Jurisdiction was served via ordinary mail this 15th day of October, 2015, upon the following counsel:

John C. Musto  
Senior Attorney  
City of Dayton Department of Law  
101 West Third Street  
Dayton, Ohio 45401  
937-333-4116  
937-333-3628 fax  
john.musto@daytonohio.gov

*Counsel for Plaintiff-Appellant  
City of Dayton*

*s/Jordan S. Berman*

---

JORDAN S. BERMAN (0093075)  
Assistant Attorney General