

In the  
**Supreme Court of Ohio**

CITY OF SPRINGFIELD, OHIO,	:	Case No. 2016-0461
	:	
Plaintiff-Appellant,	:	On Appeal from the
	:	Clark County
v.	:	Court of Appeals,
	:	Second Appellate District
STATE OF OHIO,	:	
	:	Court of Appeals
Defendant-Appellee.	:	Case No. 15CA00077
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**MEMORANDUM OF DEFENDANT-APPELLEE  
STATE OF OHIO OPPOSING JURISDICTION**

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## INTRODUCTION

This case is a companion to the attack on the State’s comprehensive regulation of traffic cameras that is now under review in *City of Dayton v. State*, No. 2015-1549. The City of Springfield has enacted a traffic-camera ordinance similar to that of the City of Dayton, the main difference being that Springfield uses cameras only for red-light violations, whereas Dayton’s cameras also capture speed violations. *Compare* Springfield Ord. § 303.09 *with* Dayton R.C.G.O. § 70.121. Springfield appeals the Second District’s affirmation of that court’s earlier judgment that Am. Sub. S.B. 342 (“S.B. 342”) was a general law to which local traffic-camera regulations must yield. Like Dayton, its arguments rest on exaggerated conceptions of its home-rule authority and distorted views of S.B. 342. Springfield presents three questions for review, all of which were correctly resolved below.

Springfield’s second Proposition of Law tracks the question now under review in *Dayton*—whether certain provisions of S.B. 342 are “general laws”—and should be held for a decision in that case.

The other Propositions—quixotic attempts to redefine the Court’s teachings on police-power regulations and standing—should be denied. The City’s first Proposition tries to convince the Court that the regulation and use of traffic cameras is not an exercise of a municipality’s police powers—an assertion so contrary to law and fact that it was conceded in the *Dayton* case. Springfield’s third Proposition of Law asks the Court to grant it standing to challenge state statutes that do not actually conflict with its local ordinance. Some of S.B. 342’s provisions regulate cameras that Springfield does not operate; in other instances, the statutes impose the same requirements as the ordinance. Both Propositions are wrong as a legal matter, and unnecessary for the Court to reach the key issues already presented in the *Dayton* appeal.

## STATEMENT OF CASE AND FACTS

### **A. Springfield operates traffic cameras pursuant to a city ordinance.**

The City of Springfield has authorized “automated traffic control photographic systems” (“traffic cameras”) at intersections within its jurisdiction since 2005. *See City of Springfield v. State*, 2016-Ohio-725 ¶ 8 (2d Dist.) (“App. Op.”). Passed as Ordinance No. 50-41 and now located at § 303.09 of Springfield’s Codified Ordinances, Springfield’s traffic-camera ordinance establishes an automated mechanism for the civil enforcement of red-light violations. *Id.* ¶ 8. It specifies that it is “unlawful for a vehicle to cross the stop line at” an intersection where a traffic camera is operational “when the traffic controls signal for that vehicle’s direction of travel is emitting a steady red light.” Springfield Ord. § 303.09(c)(1). The ordinance specifies how the City notifies violators of liability, and also creates an administrative hearing process for violators who choose to appeal their tickets. App. Op. ¶ 9; Springfield Ord. § 303.09(d)-(e).

### **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. *See* Am. Sub. S.B. 342 (130th G.A.), *available at* <http://goo.gl/Bk1ntP>. A discussion of S.B. 342 and the State’s other traffic-camera regulations can be found in the State’s Memorandum Opposing Jurisdiction filed in *Dayton v. State*, No. 2015-1549.

### **C. After Springfield challenged S.B. 342 as a violation of Ohio’s Home Rule Amendment, the trial court granted the State’s motion for summary judgment.**

Springfield sued the State in March 2015, seeking a declaratory judgment that S.B. 342 violates Section 3, Article XVIII of the Ohio Constitution. *See* App. Op. ¶¶ 2-3. Springfield sought to invalidate the entire bill, but its Complaint challenged only three of its provisions: R.C. 4511.093(B)(1) (requiring officers to be present while any traffic camera is operating); R.C.

4511.095(A)(1)-(2) (requiring a safety study and public information campaign before any new camera is deployed); and R.C. 4511.0912(A)-(B) (imposing minimum thresholds for speed violations). *See* App. Op. ¶ 3. The Complaint alleged that these requirements “interfere with the City’s power of ‘local self-government’ and with [its] exercise of its police power in a manner ‘not in conflict with general laws.’” *See id.* (quoting Complaint).

The parties filed cross-motions for summary judgment. *See id.* ¶¶ 4-5. Springfield’s motion attacked S.B. 342 on two main grounds. First, it argued that the City’s traffic-camera ordinance was an exercise of its powers of local self-government, and that several provisions of S.B. 342—including provisions not referenced in its Complaint—unconstitutionally interfered with this power. *See id.* ¶ 4. Second, Springfield argued that S.B. 342 was not a general law under the test this Court articulated in *City of Canton v. State*, 95 Ohio St. 3d 149, 2002-Ohio-2005. *See* App. Op. ¶ 4. It asserted that only three provisions of the bill could survive after the purportedly unconstitutional provisions were severed. *See id.* The State filed its own motion for summary judgment, contending that Springfield’s ordinance is an exercise of its police power, and that S.B. 342 was a “general law” that displaces any conflicting ordinance. *See id.* ¶ 5.

While those motions were pending, the Second District Court of Appeals declared in a separate case that S.B. 342 is a constitutional “general law.” *See City of Dayton v. State*, 2015-Ohio-3160 ¶ 39 (2d Dist.), *appeal accepted in 02/10/2016 Case Announcements*, 2016-Ohio-467. Shortly thereafter, the Clark County Court of Common Pleas overruled Springfield’s motion for summary judgment and granted the State’s. *See* App. Op. ¶ 6.

**D. The Second District Court of Appeals affirmed the trial court’s decision.**

Springfield appealed to the Second District, arguing that the trial court had erred by denying its motion for summary judgment and granting the State’s. *See id.* ¶ 20. It again argued

that several of S.B. 342's provisions violate Springfield's exercise of local self-government, and that S.B. 342 was not a general law. *Id.*

The court of appeals disagreed. At the outset, it noted that Springfield "does not utilize speed-monitoring cameras or mobile photo-monitoring devices," and that it therefore lacked standing to challenge the aspects of S.B. 342 that regulate those devices. *See id.* ¶ 23.

On the merits, the court first held that Springfield's traffic-camera ordinance is an exercise of the City's police power that must yield to conflicting general laws. *See id.* ¶¶ 24-29. It determined that the "ordinance was designed to regulate individuals who violate the city's red-light traffic laws at its busiest intersections" and "serve[s] to protect drivers and pedestrians." *Id.* ¶ 29. Relying on this Court's precedents, it noted 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." *Id.* ¶ 27 (quoting *Marich v. Bob Bennett Constr. Co.*, 116 Ohio St. 3d 553, 2008-Ohio-92 ¶ 14). The court thus concluded that the traffic-camera ordinance was an exercise of Springfield's police power that "may be invalidated if it conflicts with the general laws of" Ohio. *Id.* ¶ 29. In light of its decision in *Dayton*, 2015-Ohio-3160, the Second District reaffirmed that S.B. 342 is a "general law" that passes muster under Ohio's Home Rule Amendment. *See id.* ¶¶ 30-31.

Springfield appealed, and now presents three Propositions of Law. While this case was pending below, this Court agreed to review Dayton's similar challenge in *Dayton v. State*. *See 02/10/2016 Case Announcements*, 2016-Ohio-467. Briefing has now commenced in that case.

**THIS APPEAL INVOLVES TWO QUESTIONS THAT ARE NOT SUBSTANTIAL CONSTITUTIONAL QUESTIONS AND ARE NOT OF GREAT GENERAL INTEREST**

Springfield presents three questions. The first and last are not worthy of review, and the second should be held for the decision in *Dayton v. State*, No. 2015-1549. In the alternative, Propositions 1 and 2 should be held for *Dayton* while Proposition 3 should be denied.

Springfield's first Proposition of Law should be denied because it presents a question that has been so firmly resolved by this Court that it has actually been conceded in the *Dayton* case. Springfield contends that its traffic-camera ordinance is an exercise of its powers of local self-government. That assertion both lacks a factual basis and runs headlong into this Court's settled precedents. Further review is not warranted.

Springfield's second Proposition of Law should be held for a decision in the *Dayton* case. The second Proposition overlaps with the issues that are now being briefed in *Dayton*: whether key provisions of S.B. 342 are "general laws" that satisfy the third and fourth elements of the *Canton* test. The Court's decision in *Dayton* will resolve the most significant aspects of Springfield's challenge on this question.

Finally, Springfield's third Proposition of Law should be denied because Springfield has not adequately pleaded an injury traceable to certain provisions of S.B. 342, and because the question's resolution is not necessary for the Court to reach the central merits of either of Springfield's other questions presented.

**A. Springfield's first Proposition of Law does not present a substantial constitutional question because this Court has already declared it to be "clear" that traffic ordinances arise from a municipality's police power.**

The Second District faithfully followed this Court's precedents when it held that Springfield's traffic-camera ordinance was enacted pursuant to the City's police powers. *See* App. Op. ¶ 27 (citing several of this Court's decisions in which traffic ordinances were found to be police-power regulations). Further review would not contribute any guidance to this subject. The Court should decline jurisdiction over this question for two reasons.

*First*, Springfield asks a question that this Court has repeatedly answered. "It is now clear 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*, 2008-Ohio-92 ¶ 14; *see also, e.g.*,

*Village of Linndale v. State*, 85 Ohio St. 3d 52, 53 (1999) (characterizing “local traffic laws” as “police regulation[s]”); *Tolliver v. City of Newark*, 145 Ohio St. 517, syl. ¶ 3 (1945) (holding that a “municipal ordinance which provides for the regulation of traffic upon the streets[] involves the exercise of the police power”), *overruled in part on other grounds by Frankhauser v. City of Mansfield*, 19 Ohio St. 2d 102 (1969). This Court has not just made this point generally. When faced with a similar traffic-camera ordinance, it relied on these principles to conclude that the ordinance was enacted pursuant to municipal police powers. *See Mendenhall v. City of Akron*, 117 Ohio St. 3d 33, 2008-Ohio-270 ¶ 19. A decision on Springfield’s first Proposition would only restate this familiar point.

*Second*, Springfield’s traffic-camera ordinance is an ordinary traffic regulation that fits this legal framework. The City attempts to recast it as purely an exercise of self-government, contending that its “ordinance does not control traffic,” that it “does not establish or eliminate any rule of driver conduct,” and that “[n]o one was required to act any differently because of its passage.” *See* Jur. Mem. at 4. This description is not accurate.

The entire ordinance is designed to influence driver conduct and to provide for procedures that reinforce the intended behavior. The preamble states that “the adoption of [a traffic-camera system] will result in a significant reduction in the number of red light violations and/or accidents within the City of Springfield.” *See* Ordinance No. 50-41. Under a heading labeled “Violation,” the ordinance says that it is “unlawful for a vehicle to cross the stop line at a” red light where a camera is operational. Springfield Ord. § 303.09(c)(1). It sets a fine of \$100 for each violation. *See id.* § 303.09(f)(2). Indeed, Springfield admits that “[t]he purpose of the Ordinance is to . . . [r]educe the frequency of vehicle operators running red traffic lights,” *see* Compl. ¶ 7.a., and alleges that the cameras installed pursuant to the ordinance have in fact

affected driver behavior, *see id.* ¶ 12. This program may have administrative provisions that incidentally affect the City’s governmental operations, but that does not alter the basic fact that the ordinance exists to further the City’s health and safety goals. *See In re Complaint of Reynoldsburg*, 134 Ohio St. 3d 29, 2012-Ohio-5270 ¶¶ 28-31.

Springfield’s traffic-camera ordinance bears a strong resemblance to those in the *Dayton* and *Mendenhall* cases, which were *admitted* to be police-power regulations. *See Mendenhall*, 2008-Ohio-270 ¶ 19 (Akron Cod. Ord. § 79.01) (“Here, there is no dispute that the Akron ordinance is an exercise of concurrent police power rather than self-government.”); *Dayton*, 2015-Ohio-3160 ¶ 21 (Dayton R.C.G.O. § 70.121) (“Dayton acknowledges that its traffic camera ordinance is an exercise of police power.”). That Dayton and Akron both conceded this issue with respect to similar ordinances shows that Springfield’s first question is unworthy of review.

**B. Springfield’s second Proposition of Law includes the key issues under consideration in *Dayton v. State*, No. 2015-1549, and should be held for a decision in that case.**

The Court should hold Springfield’s second Proposition of Law for a decision in *Dayton*, where briefing is now underway. That appeal also examines the Second District’s conclusion that S.B. 342 is a general law under the third and fourth prongs of the *Canton* general-law test. Dayton has challenged the core statutes undergirding the cities’ objections to the State’s regulation: the officer presence requirement (R.C. 4511.093(B)(1)); the safety-study and public-information campaign (R.C. 4511.095(A)); and the speed minimums (R.C. 4511.0912). *See Dayton*, Merit Br. of Appellant City of Dayton at 4-6. This overlaps with the heart of Springfield’s claims.

Although Springfield argues that nearly every provision of S.B. 342 is invalid, *see Jur. Mem.* at 12, the Court should nevertheless hold this Proposition of Law. *First*, this Court’s decision in *Dayton* will control the heart of this appeal, and may well allow for summary

disposition where the two do not overlap. *Second*, Springfield lacks standing to challenge many aspects of S.B. 342. *See infra* at 14-15. And *third*, even though Springfield’s sweeping allegations about most provisions of S.B. 342 go almost entirely unsupported, this Court’s general-law analysis in *Dayton* will account for them. That is because “sections within a chapter will not be considered in isolation when determining whether a general law exists.” *Mendenhall*, 2008-Ohio-270 ¶ 27. The outcome in *Dayton* thus will resolve the core merits of Springfield’s second question presented. The Court should hold this question for that case.

**C. This case is a poor vehicle to review Springfield’s third Proposition of Law, and in any event its resolution will have no effect on the merits of Springfield’s claims.**

Springfield’s third Proposition of Law asks this Court to jettison standing in home-rule cases by allowing municipalities to bypass the injury requirement any time they allege that a state law interferes with their abstract powers of local self-government. Springfield wants to challenge state statutes concerning traffic cameras that it neither uses nor has any apparent intention to adopt. *See, e.g.*, Jur. Mem. at 13-14 (arguing that S.B. 342 would violate Home Rule with respect to Springfield “should it choose” to adopt speed cameras). In many instances, the statutes are consistent with—and thus do not interfere with—Springfield’s local ordinance. The Court should decline to review this issue for two reasons.

*First*, this case presents a poor vehicle to review the standing issue because Springfield’s Complaint and motion for summary judgment do not allege *any* facts that establish an injury traceable to many provisions of S.B. 342, including its speed- and mobile-camera provisions. Springfield must allege an injury, and not just some “ideological opposition to a program or legislative enactment.” *State ex rel. Walgate v. Kasich*, -- Ohio St. 3d --, 2016-Ohio-1176 ¶ 18 (citation omitted). But in the proceedings below, the City admitted that it “does not currently employ mobile devices”; it instead claimed only that it has the “power to do so.” *See* Springfield

Mot. Summ. J. at 7, n.5. It likewise admitted that it “does not currently operate speed cameras,” and contended only that it had a “right to operate them, should” it “decide to do so.” *See* Springfield Resp. to Mot. Summ. J. at 5. Springfield has not even alleged that it *wishes to* or *would* implement those cameras, but for S.B. 342. Moreover, it fails to acknowledge that in many instances the requirements of S.B. 342 are consistent with its own ordinance. Even if the Court wished to review this question, it should wait until a properly pleaded challenge arrives.

*Second*, the Court should not grant review on this question because its resolution is not necessary to reach the core merits of Springfield’s claims. On the second question presented, Springfield’s lack of standing limits its own ability to challenge speed-camera provisions, but this Court has already agreed to review those provisions in the *Dayton* case. This Court’s decision in *Dayton* will be binding on Springfield and the State in this case, as well.

The standing question that Springfield frames likewise does not affect its first Proposition of Law, should the Court agree to review it. That Proposition asks only whether Springfield’s ordinance is an exercise of local self-government; it does not turn on the actual provisions of S.B. 342. *See Mendenhall*, 2008-Ohio-270 ¶ 18 (“The first part of the test relates to the ordinance.”). In other words, if the Court were to grant review of Springfield’s first Proposition of Law, the Court would have no need to look at the state statutes because the nature of Springfield’s ordinance would control. “As it is not necessary for [the Court] to rule on this matter to resolve” Springfield’s claims, it should “decline the invitation.” *See State v. Adamson*, 83 Ohio St. 3d 248, 250-51 (1998).

## **ARGUMENT**

Even if the Court were to grant review, Springfield’s claims would fail on their merits. Ohio’s Home Rule Amendment gives 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 Const., art. XVIII, § 3. This Court utilizes a three-part test to analyze home-rule cases. *Canton*, 2002-Ohio-2005 ¶ 9. “A state statute takes precedence over a local ordinance when (1) the ordinance is in conflict with the statute, (2) the ordinance is an exercise of the police power, rather than of local self-government, and (3) the statute is a general law.” *Id.*

As an initial matter, Springfield lacks standing to challenge any aspect of S.B. 342 that does not conflict or interfere with its ordinance. To prevail on the merits of its limited challenge, it must show either that (a) its ordinance is enacted pursuant to its powers of local self-government and does not touch on a matter of statewide concern; or, if that fails, (b) that the relevant provisions of S.B. 342 are not “general laws” that displace conflicting municipal ordinances. Springfield can do neither.

**Appellee’s Proposition of Law No. 1:**

*A municipal ordinance that establishes the use of traffic cameras for civil enforcement of traffic laws is an exercise of a municipality’s police power.*

The court of appeals correctly concluded that Springfield’s traffic-camera ordinance was passed pursuant to its police powers, and was not an exercise of its power of local self-government. Springfield’s ordinance therefore must yield to the State’s general laws to the extent that they are conflicting. *See Canton*, 2002-Ohio-2005 ¶ 9.

**A. A municipal ordinance must yield to a state statute if it is enacted pursuant to the municipality’s police powers, or if it touches on a matter of statewide concern.**

Under the Home Rule Amendment, a municipality’s local-self-government ordinances are generally protected from state interference, whereas “police-power ordinances ‘must yield in the face of a general state law.’” *Marich*, 2008-Ohio-92 ¶ 11 (quoting *Am. Fin. Servs. Ass’n v. City of Cleveland*, 112 Ohio St. 3d 170, 2006-Ohio-6043 ¶ 23); *but see Am. Fin. Servs.*, 2006-Ohio-6043 ¶¶ 28-30 (discussing the statewide-concern doctrine). “The power of local self-

government . . . relates *solely* to the government and administration of the internal affairs of the municipality.” *Village of Beachwood v. Bd. of Elections of Cuyahoga Cnty.*, 167 Ohio St. 369, syl. ¶ 1 (1958) (emphasis added); *see also State ex rel. Morrison v. Beck Energy Corp.*, 143 Ohio St. 3d 271, 2015-Ohio-485 ¶ 18 (plurality op.) (city ordinance not an act of local self-government because it did “not regulate the form and structure of local government”). A municipality’s police power, on the other hand, enables it to enact such regulations that “protect the public health, safety, or morals, or the general welfare of the public.” *Marich*, 2008-Ohio-92 ¶ 11.

Contrary to Springfield’s assertion, *see* Jur. Mem. at 1, 10, this Court has “never held that the powers of local self-government under Section 3 are unlimited.” *Reading v. Pub. Utils. Comm’n*, 109 Ohio St. 3d 193, 2006-Ohio-2181 ¶ 32. When analyzing a municipal ordinance in a home-rule challenge, courts also ask if the ordinance touches on an issue of statewide concern—that is, “whether ‘a comprehensive statutory plan is, in certain circumstances, necessary to promote the safety and welfare of all the citizens of this state.’” *Am. Fin. Servs.*, 2006-Ohio-6043 ¶ 30 (citation omitted). “‘It is a fundamental principle of Ohio law that, pursuant to the ‘statewide concern’ doctrine, a municipality may not, in the regulation of local matters, infringe on matters of general and statewide concern.’” *Reading*, 2006-Ohio-2181 ¶ 33 (citation omitted).

**B. This Court’s cases confirm that the regulation of traffic is an exercise of a municipality’s police power.**

This Court has repeatedly found municipal traffic ordinances to be police-power regulations. *See Marich*, 2008-Ohio-92 ¶ 14 (collecting cases). In *Marich*, for example, the Court determined that an ordinance exempting drivers from permit requirements for certain roads was a police-power regulation. *See id.* ¶¶ 12-15. It noted that the ordinance’s purpose was “to protect drivers and pedestrians . . . and generally affect traffic flow” in the municipality. *Id.* ¶ 15.

The Court has also held that a municipal ordinance “regulat[ing] . . . truck traffic on municipal streets . . . is a valid exercise of the police power.” *See City of Niles v. Dean*, 25 Ohio St. 2d 284, syl. ¶ 1 (1971). Decisions about the placement of stop signs have likewise been found to be an exercise of municipal police power. *See Tolliver*, 145 Ohio St. 517 at syl. ¶ 3. “It is now clear 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*, 2008-Ohio-92 ¶ 14; *see also Linndale*, 85 Ohio St. 3d at 54 (“Thus, a municipality may regulate in an area such as traffic whenever its regulation is not in conflict with the general laws of the state.”).

**C. Springfield’s ordinance regulates traffic pursuant to its police power and touches on a matter of statewide concern, and thus must yield to conflicting general state laws.**

Springfield’s traffic-camera program is not an untouchable exercise of local self-government; the court below correctly concluded that the ordinance is a deployment of the City’s police power. Springfield’s own *amicus* admits that the ordinance “invokes” Springfield’s police powers. *See* Mem. Supp. Jur. of *Amicus Curiae* City of Toledo, Ohio at 7. That should end the analysis, because “[t]he power of local self-government . . . relates *solely* to the government and administration of the *internal affairs* of the municipality.” *Beachwood*, 167 Ohio St. 369 at syl. ¶ 1 (emphases added). Even if the Court disagrees, the City’s program touches on a matter of statewide concern and must be subordinate to state legislation on the same topic.

*First*, Springfield’s ordinance regulates traffic and therefore is an exercise of its concurrent police powers. *Marich*, 2008-Ohio-92 ¶ 14; *Mendenhall*, 2008-Ohio-270 ¶ 19. Springfield cannot explain how ticketing red-light violators is confined “solely” to its “internal affairs.” *See Beachwood*, 167 Ohio St. 369 at syl. ¶ 1. The ordinance empowers the City to install traffic cameras at intersections in its jurisdictions. Springfield Ord. § 303.09(a)(1). It creates a violation and imposes a civil penalty for running red-lights. *Id.* § 303.09(c)(1), (f)(2).

The City alleges that all of these things affect driver behavior, *see* Compl. ¶ 12, including the behavior of non-resident drivers, *see* Appellant’s 2d Dist. Br. at 9. Moreover, the ordinance’s stated purpose is to protect “the safety of citizens on the roadway.” *See* Springfield Ord. No. 50-41 at preamble. This “show[s] that the city’s intent in regulating” traffic cameras “at least in part, was to promote ‘the public health, safety and welfare’—words more commonly associated with an exercise of the police power.” *Reynoldsburg*, 2012-Ohio-5270 ¶ 29. The ordinance is an exercise of Springfield’s police power. *See Marich*, 2008-Ohio-92 ¶ 14.

That Springfield’s ordinance has some incidental administrative effects or local flavor does not turn it into an exercise of local self-government. The same could be said about nearly any ordinance. In *Marich*, for instance, the City of Norton’s ordinance eliminated a state permit requirement on certain local roads, *see* 2008-Ohio-92 ¶ 33, perhaps because, in its local wisdom, Norton believed permits were unnecessary on those roads. This Court nevertheless determined that the ordinance was a police-power regulation and voided it for conflicting with a state law, imposing an administrative permitting process upon the city. *See id.* ¶¶ 15, 34.

*Second*, even if the Court finds that Springfield’s ordinance is not a police regulation, the ordinance must yield to state law because it touches on a matter of statewide concern. The uniform enforcement of traffic laws and safe use of traffic cameras are state issues. Transportation safety “transcends the boundaries of a municipality.” *Reading*, 2006-Ohio-2181 ¶ 34 (discussing railroad crossings). Traffic cameras present unique issues for on-the-ground safety, after-the-fact process, and privacy. Aside from affecting driver behavior, traffic cameras also result in fines without immediate notice to alleged violators. Many motorists will be merely passing through unfamiliar jurisdictions, and the State has an interest in ensuring that traffic cameras enforce the law in a uniform, predictable, and trustworthy way.

**Appellee’s Proposition of Law No. 2:**

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

For the reasons stated in the State’s Memorandum Opposing Jurisdiction in the *Dayton* case, the provisions of S.B. 342 are validly enacted general laws to which conflicting municipal traffic-camera ordinances must yield. *See Dayton v. State*, No. 2015-1549, Opp. Jur. at 11-15.

**Appellee’s Proposition of Law No. 3:**

*A municipality does not have standing to seek a declaratory judgment that a state statute violates Section 3, Article XVIII of the Ohio Constitution if the municipality has not alleged that the statute is preventing it from enacting a conflicting ordinance.*

Springfield lacks standing to challenge provisions of S.B. 342 that do not conflict with its ordinance and therefore cause it no injury. Most significantly, Springfield does not have standing to challenge 4511.0911(B)(2), which pertains to mobile cameras, or R.C. 4511.0912, which pertains to speed cameras, because it does not operate such cameras and has not even alleged that it intends or wishes to do so. More broadly, it lacks standing to challenge the many provisions of S.B. 342 that are not alleged to conflict with its ordinance.

“It is well established that before an Ohio court can consider the merits of a legal claim, the person seeking relief must establish standing to sue.” *State ex rel. Ohio Acad. of Trial Lawyers v. Sheward*, 86 Ohio St. 3d 451, 469 (1999). It is the City’s burden to “show, at a minimum, that [it] has suffered (1) an injury that is (2) fairly traceable to the defendant’s allegedly unlawful conduct, and (3) likely to be redressed by the requested relief.” *Walgate*, 2016-Ohio-1176 ¶ 18 (internal quotation marks omitted). The City appears to rest on a theory of common-law standing. “For common-law standing, a party wishing to sue must have a ‘direct, personal stake’ in the outcome of the case; ‘ideological opposition to a program or legislative enactment is not enough.’” *Id.* (citation omitted).

Ideological opposition is precisely the basis for Springfield’s opposition to much of S.B. 342, but this is not enough, particularly at this phase of the litigation. “At the pleading stage, general factual allegations of injury resulting from the defendant’s conduct may suffice,” but “[i]n response to a summary judgment motion, . . . the plaintiff can no longer rest on such ‘mere allegations,’ but must ‘set forth’ by affidavit or other evidence ‘specific facts.’” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992) (citation omitted); *Walgate*, 2016-Ohio-1176 ¶ 50. Springfield has not alleged any injury traceable to the state laws that regulate speed and mobile cameras; it instead admits that it does not even have those types of cameras. *See* Jur. Mem. at 13. Springfield also fails to allege “specific facts” showing how it is injured by state statutes that in many instances are consistent with its ordinance. *Compare, e.g.*, Springfield Ord. § 303.09(c)(3) *with* R.C. 4511.096(D). Its self-government powers, in the abstract, do not give it standing to challenge state laws that do not impair those powers in actuality.

### CONCLUSION

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

Respectfully submitted,

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**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 28th day of April, 2015, upon the following counsel:

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