

SAINT LOUIS COUNTY POLICE

Neighborhood Watch Letter

January 2012



Wildwood Precinct

17014 D New College Ave
Wildwood, MO 63040
(636) 458-9194

www.cityofwildwood.com

Upcoming Events for January

Saturday, January 28, 2012 – Frozen Feet Run – LaSalle Middle School

Subdivision Meetings

Winding Trails and Villages of Winding Trails both have subdivision meetings this month. If you are a resident of either of those subdivisions and wish to attend, look to your subdivisions website or contact a trustee for further information.

Crime Statistics – www.stlouisco.com/LawandPublicSafety/PoliceDepartment

Motorcycles and Bicycles at Electric Signals

Two weeks ago I was listening to KMOX when I heard a discussion about motorcycles and bicycles being able to stop and then proceed, when safe to do so at an electric signal during a red light. I'm not talking about making a right on red either. I'm saying they can take a right, go straight, or even take a left as long as they have a safe opening to do so. Due to the number of calls that came into the Charlie Brennan show and complaints we get as a police department about persons doing this, (particularly bicycles at Shepard Road and Highway 109) I would go out on a limb and say that most non cyclist, whether it be self propelled or motor are not aware of any laws that allow this action. I think most cyclist that go through a red light, do so believing they are at risk of being cited, while hoping their reasoning will get them out of the citation. The question is, will it?

Under the Missouri State Revised Statutes, Chapter 304, section 304.285 it is referred to as an affirmative defense. An affirmative defense refers to conditions that led to an action that otherwise would be a violation. The defendant is allowed to use these conditions as an excuse for their actions in the hope that the investigating officer and or judge if a citation is issued will find their actions reasonable for the circumstances. Now you probably want to know what the circumstances have to be to use this defense when operating a motorcycle or bicycle.

Any person operating a motorcycle or bicycle enters or crosses an intersection controlled by a traffic control signal against a red light shall have an affirmative defense to that charge if the person establishes the following conditions:

- The motorcycle or bicycle has been brought to a complete stop;
- The traffic control signal continues to show a red light for an unreasonable time;
- The traffic control is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle; and

- No motor vehicle or person is approaching on the street or highway to be crossed or entered is so far away from the intersection that it does not constitute an immediate hazard.

The reasoning behind the law is that most electric signals are activated by sensors. Not all of course, but do you know which ones are and are not. Most of us don't. So you have probably figured it out by now that bicycles and some motorcycles may not trip the electric signal. This defense was created so cyclist of any kind would not have to sit and wait an unreasonable amount of time at a light that they have no way of triggering. Unless a motorcycle or bicycle is first at the signal and or the only one at the signal this defense would not apply. When bicycles ride, right up next to the first car, sharing the lane, this would again not apply. If they are sharing the lane, they too should wait as there is no expectation that they would have to wait an unreasonable amount of time since the time frame in that case is no longer than the normal light cycle that was triggered by the vehicle they are sharing the lane with.

Many of you, like talk show radio listeners are people who like to stay informed. Good, bad or indifferent, it's good to know the law. Ignorance of the law is no excuse, but an affirmative defense when appropriately used is.

I found the topic interesting and hope you did as well.

Questions – If you have questions regarding city, county or state ordinances and or any other law enforcement related issue, don't hesitate to call and or email your question to jreiter@stlouisco.com and or bwood@stlouisco.com .

Reminder- St. Louis County, Wildwood Police Department offers vacation checks for your home when you're out of town. Call the Wildwood Precinct at 458-9194 or go to the City of Wildwoods website, cityofwildwood.com to fill out the form to have your resident checked.

IMPORTANT NUMBERS

Wildwood Precinct	636-458-9194	Crime Stoppers	866-371-8477
Non-Emergency 911	314-889-2341	Safe Schools Hotline	314-889-7233
Wildwood City Hall	636-458-0440	Drug Hotline	314-863-3673
Animal Control	314-726-6655	Neighborhood Preservation	314-615-4151