

To: ^{2011 SEP 16 AM 9:25} Office of the City Administrator
Attn: Dearma Santana
From: Police Department
Date: September 27, 2011

Re: An Informational Report from the Office of Chief of Police Detailing the Status of Installing Red Light Camera Enforcement Systems in the City, Including any Obstacles, Issues, or Problems

SUMMARY

As requested by the Public Safety Committee, staff has prepared an informational report detailing the status of the Red Light Camera Enforcement Systems (RLCES).

FISCAL IMPACT

As previously reported, the cost (per installation) of the RLCES ranges from \$5,000 to \$6,000 per month depending on the number of lanes being monitored; however, actual pricing is determined on an intersection specific basis¹. PG&E's one-tune connection cost has ranged from \$2,734 to \$14,124 per intersection, based on the amount of work and materials required to provide the necessary power connection to the system. The cost increases when PG&E must go a greater distance to connect power to the system, which may require trenching to run a power line. To date 13 cameras have been installed, and are fully functioning out of the warning period. No additional installations have been scheduled due to concerns associated with costs of running the program.

All revenue and expenditure appropriations are posted to the Traffic Safety Fund (2416), Traffic Administration's Organization Code (107510), City Traffic Code Fines Account (43112), Red Light Camera Project (P328910), Traffic Program (PS14). The City's current agreement with Red Flex Traffic Systems (RTS) is for 37 months in an amount not to exceed \$4,320,000. The current agreement is set to expire in September 2011.

Industry experience suggests that each system will have an issuance rate of 75%, and a collection rate of 60%. In our experience, the industry numbers are in line with our results.

¹ Redflex advised they would be willing to renegotiate the contract and lower its monthly price per approach. Sacramento pays about \$4750, while we pay about \$5900. This reduction in price likely requires extending the term of the contract.

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The City's portion of the standard fine is \$165.22 per violation. Staff contacted the Alameda County Court system to obtain a breakdown of income generated per intersection, but was told by County staff there were no personnel or technology resources available to generate such detailed information. Additionally, Redflex cannot provide per intersection revenue information, because they do not have the capability to capture the data.

RTS Revenue Tracking

Total red light camera enforcement revenue to date is \$1,379,000 which is \$261,000 less than program expenditures to date. Significant decreases to the fee structure of the Redflex contract or increases in the number of paid violations per intersection in order to ensure that this program is cost covering. OPD recommends the elimination of the this program if it

BACKGROUND

On September 4, 2006 (in cooperation with the City's Purchasing Department,) a competitive Request for Proposals process was initiated by the Department to identify a vendor to install Red Light Camera Enforcement Systems throughout the City to address problem locations with high frequencies of collisions where red light violations were listed as the primary collision factor. At the conclusion of the bidding processes (October 2, 2006), RTS was selected as the most qualified applicant to perform the installations, as they were the only vendor among the three vendors able to meet all of the requirements of the Department.

Implementation of the RLCES project was approved by the City Council on July 17, 2007 by Resolution No. 80789 C.M.S.

KEY ISSUES AND IMPACTS

There are currently 13 RLCES approaches installed and operational at 11 intersections; additional installations have been delayed pending a decision on the fiscal viability of the program.

The revenue stream for the RLCES has settled to approximately \$130,000/month. Revenues dipped to approximately \$110,000/month in April 2011 as a result of a set of damaged induction loops that had become exposed due to a degraded road surface. This occurred sometime in December 2010. The damaged loops were discovered by Redflex and reported to OPD in February 2011; OPD notified Public Works and the road was fixed in July 2011.

It is anticipated that revenue should return to the average, however the approach at Beaumont and 14th Avenue is currently non-operational due to a repaving project. We anticipate it will be down for a total of 3-4 weeks; it should be operational by the end of August 2011.

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Since the last report to the Public Safety Committee the revenue trend has been steadily upward, and it seems to be settling around \$130,000/month based on the current workload. Revenues should remain steady barring any unforeseen difficulties.

Challenges

Staffing

The RLCES program is staffed with 1.0 PTE Police Services Technician II (PST). Both sworn and non-sworn personnel work overtime on an as needed basis to process the citation backlog. The program is currently up to date on processing the citations. Although citations are currently up to date, violations can easily become backlogged if citations are not processed at least four days a week. The current system workload calls for three full-time employees to minimize the risk of backlogs occurring.

The RLCES is issuing between 80-100 citations per day, and five nominations² per day are received on average. One processor working an eight hour shift can process between 45-55 citations per shift. Nominations take longer to process than a citation. Nominations are signed statements by the alleged violator, received by OPD. The notified party is declaring they are not the driver of the vehicle or they are identifying (or “nominating”) another party as the driver of the vehicle. The PST assigned to the program spends a great deal of his time in court or preparing for court. This creates a backlog of citations. Anything greater than 100 citations in the queue is considered a backlog. The queue generally has 150-300 citations waiting at any given time. In order to keep the backlog to a minimum, officers and PST’s are brought in on overtime to work on the citation queue. Currently, RLCES is using between 40-60 hours of overtime a week to keep up with backlog.

Since implementation of the RLCES there has only been one full time PST staffing the program, even though the work load justified a three person team working the system. Because no permanent additional help has been available, light duty personnel have been the primary source of additional resources for staffing the system. To date approximately eight different light duty officers have been assigned to staff the RLCES, which has been in operation for 34 months. It is very difficult to run any system when average employee turnover is just over 4 months. Having permanent personnel assigned to the RLCES will be critical to its continued success.

Legal Support

The program needs sustained, prompt, and concerned legal support to survive as many citations are vigorously contested by attorneys hired for the defense. The PST’s are only in court to present evidence and cannot present legal arguments on behalf of the City. There are a number of attorneys who specialize in the defense of red light camera tickets; on occasion the program needs an attorney to:

² Nominations are signed statements by the alleged violator, received by OPD. The notified party is declaring they are not the driver of the vehicle or they are identifying (or “nominating”) another party as the driver of the vehicle.

- Present legal arguments to the court;
- Represent the RLCES on appeals cases; and
- Provide legal analysis for issues concerning red light camera enforcement programs.

Due to staffing issues, the District Attorney's office cannot assign personnel to defend the RLCES. In the City of Fremont the City Attorney has sought and received permission from the DA to serve as the prosecutor in red light camera cases. The request and documentation for our City Attorney to request permission from the DA to serve as the prosecutor for the program was sent through the chain of command in May of 2010. As of this writing, no response has been received.

Recently, there was a ruling made by a commissioner that we feel could be overturned with the proper legal support. In this case the Traffic Commissioner ruled the Manual on Uniform Traffic Control Devices (MUTCD) was law. The manual itself states it is not law, just a manual with recommendations. The PST cannot argue points of law in the court, they only present evidence; only an attorney from the City or District Attorney's office can practice law on behalf of the City. We believe having an attorney presenting rebuttal arguments would be effective in getting this ruling changed. As a result of this ruling the Traffic Commissioner is dismissing approximately 40-50 cases per month without hearing them.

Without proper legal support it will be difficult for the program to survive.

Public Works Support

On several occasions the induction loops³ on approaches have been rendered non operational due to roadway deterioration. When an approach is not working, no revenue is generated and the safety benefits offered by the system are eliminated. The only way to remedy the problem is to repave the roadway near the intersection. After Public Works is notified about the issue, it takes anywhere from three to six months for the paving to occur.

On at least two occasions, Public Works has removed the loops entirely for repaving without making OPD aware. On these occasions the loops are usually replaced within four to six weeks; however, down time on any approach translates into lost revenue.

IT Support

The RLCES is entirely computer based, using web based programs as well as various law enforcement databases. If any of the computers or systems go down, violations cannot be processed. In order for the RLCES to be successful it is imperative that computers be fixed as quickly as possible. By law, each violation must be processed within 10 days of the violation or

³ Induction loops are wires in the road that detect the presence of a vehicle in a lane of traffic.

it is invalid. Currently when RLCES needs IT support there are delays due to the staffing shortage.

Support from OPD

RLCES will also need a dedicated fund to purchase basic office supplies. If additional personnel are added, two additional computers will be needed in order to run the Redflex website efficiently.

City of Los Angeles Decision to Terminate RLCES program

It was recently reported in the LA Times, the City of Los Angeles would be ending its red light camera enforcement program. The article also went on to explain the Los Angeles County Superior Court system was unwilling to aggressively enforce camera ticket collections. The court refused to notify the DMV of any “pre-conviction” unpaid red light camera tickets. This is significant because without notification, the DMV will not take action against a cited driver which leaves very little consequence for not responding to the citation on the part of the violator.

The Alameda County Superior Court *does* notify DMV of all “pre-conviction” unpaid red light camera tickets. Drivers who fail to respond to a red light camera citation in Alameda County are held accountable by having their California Driver’s License withheld until action is taken to resolve the citation.

In short, Alameda County Superior Court views the red light camera citation the same as any citation written by a police officer, Los Angeles County does not

Collision Reduction

Staff requested collision information from Traffic Engineering for all approaches. Due to issues at the state level, data is only available through June 2010. Consequently, the majority of approaches will not have complete “collisions after one year” information.

| Locations | “Live” Date | Date range before installation | Collisions one year before installation | Date Range after installation | Collisions one year after installation |
|---|-------------|--------------------------------|---|-------------------------------|--|
| 66 th Ave. & San Leandro Blvd. | 9/26/08 | 9/25/07-9/25/08 | 11 | 9/26/08-10/25/09 | 10* |
| Jackson St. & 7 th St. | 11/22/08 | 11/21/07-11/21/08 | 4 | 11/22/08-11/21/09 | 2 |
| MacArthur Blvd. & 82 nd Ave | 5/21/09 | 5/20/2008-5/20/2009 | 4 | 5/21/2009-5/20/2010 | 9* |

| | | | | | |
|--------------------------------------|------------|-------------------------|----|----------------------|---|
| Foothill Blvd. & High St. | 9/30/09 | 9/30/2008 – 9/29/2009 | 13 | 9/30/2009-6/30/2010 | 5 |
| High St. & Brookdale Ave | 10/30/2009 | 10/30/2008 – 10/29/2009 | 6 | 10/30/2009-6/30/2010 | 4 |
| Northgate St. & 27 th St. | 12/3/2009 | 12/3/2008 – 12/2/2009 | 17 | 12/3/2009-6/30/2010 | 6 |
| Market & 36th St. | 1/5/2010 | 1/5/2009 – 1/4/2010 | 11 | 1/5/2010-6/30/2010 | 6 |
| Market St. & 35th St. | 1/5/2010 | 1/5/2009 – 1/4/2010 | 8 | 1/5/2010-6/30/2010 | 1 |
| Redwood Rd. & 35th Ave | 12/30/2009 | 12/30/2008 – 12/29/2009 | 1 | 12/30/2009-6/30/2010 | 2 |
| Mac Arthur Blvd. & Oakland St. | 1/29/2010 | 1/29/2009 – 1/28/2010 | 11 | 1/29/2010-6/30/2010 | 1 |
| Mac Arthur Blvd. & Beaumont St. | 3/2/2010 | 3/2/2009 – 3/1/2010 | 16 | 3/2/2010-6/30/2010 | 4 |

*In the first six months of 2010 there was only one collision in these intersections.

Cancellation of contract

The contract with Redflex expires in September 2011. In order to provide Council a program update and obtain direction from Council on the future of the program, the City Administrator authorized a six month extension of the current contract, which will expire in March 2012. The City can decline to renew the contract without penalty.

RLCES Locations

| Location | | Council District | Cameras | Status | Total |
|----------------------------|----------------|------------------|----------------------|-----------------|-----------|
| Major Street | Minor Street | | | | |
| Jackson St. | 7th St | 2 | East Bound | Live 9/26/08 | 1 |
| San Leandro | 66th Ave | 6 | North and West Bound | Live 9/26/08 | 2 |
| Mac Arthur | 82nd Ave. | 7 | East Bound | Live 5/21/09 | 1 |
| Foothill Blvd | High St. | 5 | West Bound | Live 9/30/09 | 1 |
| High St. | Brookdale Ave. | 4 | North Bound | Live 10/30/2009 | 1 |
| 27 th St. | Northgate St. | 3 | North and West Bound | Live 12/3/2009 | 2 |
| Market | 36th St. | 1/3* | West Bound | Live 1/5/2009 | 1 |
| Market St. | 35th St. | 3 | East Bound | Live 1/5/2009 | 1 |
| Redwood Rd. | 35th Ave | 4 | East Bound | Live 12/30/2009 | 1 |
| Mac Arthur Blvd. | Oakland St. | 1/2/3* | West Bound | Live 1/29/2010 | 1 |
| Mac Arthur Blvd. | Beaumont St. | 2/5* | North and West Bound | Live 3/2/2010 | 1 |
| Total Installations | | | | | 13 |

*Crosses multiple Council District boundaries.

RedFlex has indicated they are able to complete installations within 30-days or less depending upon support from all required agencies, including the City Electrical Services Division and Transportation Services Division, which have both worked closely and effectively with RTS on the project. Other agencies include PG&E and Cal Trans, both of which have previously been a source of delay due to factors that include lengthy permitting processes, as well as project management assignments.

The following information reflects the enforcement totals of each installation from its “Live” date through July 31, 2011.

| Locations | “Live” Date | *Total Violations | Total Violations Accepted |
|--|-------------|-------------------|---------------------------|
| 66 th Ave. & San Leandro Blvd. (W/B) | 9/26/08 | 5899 | 4640 |

⁴ Total violations refer to the number of violations captured by the system. Accepted violations refer to incidents where a citation or nomination is sent. Violations are rejected for any number of reasons usually falling into one of the following categories; unable to identify driver, no license plate, and invalid violation.

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|--|------------|--------|--------|
| 66 th Ave & San Leandro Blvd (N/B) | 9/26/08 | 7568 | 3308 |
| Jackson St. & 7 th St. | 11/22/08 | 3232 | 2611 |
| MacArthur Blvd. & 82 nd Ave | 5/21/09 | 3911 | 2601 |
| Foothill Blvd. & High St. | 9/30/09 | 2017 | 1303 |
| High St. & Brookdale Ave | 10/30/2009 | 3968 | 2614 |
| 27 th St. & Northgate St. | 12/3/2009 | 30,964 | 18,073 |
| Northgate St. & 27 th St. | 12/3/2009 | 839 | 424 |
| Market & 36th St. | 1/5/2010 | 2898 | 1493 |
| Market St. & 35th St. | 1/5/2010 | 3585 | 1996 |
| Redwood Rd. & 35th Ave | 12/30/2009 | 1021 | 784 |
| Mac Arthur Blvd. & Oakland St. | 1/29/2010 | 1048 | 702 |
| Mac Arthur Blvd. & Beaumont St. | 3/2/2010 | 3580 | 2151 |

PROJECT DESCRIPTION

Automated red light camera systems are designed to supplement conventional law enforcement by accurately identifying traffic violations (24-hours a day) without the presence of a police officer. The system works by continuously monitoring a traffic signal. After the signal phase turns red and a violator triggers the sensor system, a set of cameras provide a series of high resolution digital still photographs, and full motion video of the offending vehicle going through the intersection during the red phase (images of the offending driver's license plate and vehicle(s) are clearly captured). The camera records the date, time, speed of the vehicle and the elapsed time of both the yellow and red signal phasing. The system provides clear violation images 24-hours a day under a wide range of light and weather conditions. Images are carefully reviewed by law enforcement personnel, and a citation is mailed to the violator for infractions that clearly demonstrate a preponderance of evidence.

While complete installation of the RLCES has not yet been achieved, areas where cameras are functioning have resulted in fewer collisions where red light violations are a factor. Additionally, the systems have captured valuable investigative information leading to the identification of a suspect in a violent crime, as well as capturing footage of a hit and run fatality.

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SUSTAINABLE OPPORTUNITIES

Economic: It is anticipated that monthly revenues received from citations generated from the RLCES will approximate \$25,000 to \$33,500 (net); thereby increasing City funds available for use on traffic safety programs.

Environmental: There are no environmental opportunities identified in this report.

Social Equity: Use of the Red Light Camera Enforcement System will reduce the number of injury collisions involving vehicles and pedestrians, which will increase traffic safety throughout the City. Additionally, drivers will become more aware of the RLCES and drive more cautiously in other areas of the City. Installation of this system will also provide an opportunity for officers to monitor other parts of the City for traffic violations. In addition to traffic violations, the RLCES has already been used as a tool in capturing other criminal activities, including assault with a deadly weapon, vehicular manslaughter, and robbery; and assisted in the identification and arrest of the offenders.

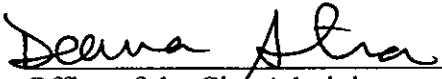
DISABILITY AND SENIOR ACCESS

There are no ADA or senior citizen access opportunities identified in this report.

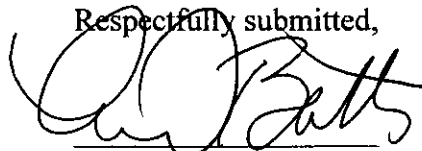
RECOMMENDATION

Staff recommends acceptance of this report.

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

Respectfully submitted,



Anthony W. Batts
Chief of Police

Prepared by:
Sgt. Steve Paich.
Support Operations Division
Bureau of Field Operations

Lt. Sharon Wilhams
Support Operations Division
Bureau of Field Operations

Reviewed by:
Ms. Cynthia Perkins
Assistant to the Director
Oakland Police Department

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