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Honorable Clifford V. Cretan
Judge of the Superior Court
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063

Dear Judge Cretan,

On June 10, 2010, the Redwood City Council received the San Mateo County Civil Grand Jury report titled "The Effectiveness of Red Light Traffic Camera Enforcement." The report contained 18 "findings" and six "recommendations."

The Redwood City Council was requested to submit comments within 90 days to your Honor. Specifically, Council was requested to submit the following:

For the 18 "findings," Council was to indicate one of the following:

1. Council agrees with the finding.
2. Council disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefore.

Additionally, for the Grand Jury's "recommendations," Council was requested to report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame

shall not exceed six months from the date of publication of the Grand Jury report.

4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

The City Council has authorized me to present the City's response to the Court. The Redwood City Council, at its meeting of August 23, 2010 approved the responses to the findings and recommendations.

FINDINGS

Finding #1

The cities choose locations for the two suppliers red light cameras to evaluate. The vendors then recommend the location of cameras based on studies which evaluate the potential number of possible red light violations and not necessarily the number of accidents that can be prevented.

Response

The City disagrees partially with the finding. The City considered RedFlex Traffic Systems and American Traffic Solutions (ATS). However, because ATS did not have access to the Department of Motor Vehicle access codes to fully support citation processing, the City only had RedFlex evaluate locations.

Consideration was given to the number of vehicle collisions at the intersection where the cameras were installed (Whipple Avenue and Veterans Boulevard). In addition consideration was given to the number of violations at the intersection as the violations indicate a propensity for collisions. Potential revenue was never a consideration to the placement of the cameras.

The City's objective in employing the photo enforcement system is to reduce accident rates, and citations are a measure of potential accidents. The effectiveness of the cameras should also be measured by the number of violations captured and the reduction of the violations over time. It is hoped that the cameras are a deterrent and drivers are becoming educated to become more cognizant of traffic control signals.

Finding #2

Police Departments and traffic engineers provide their input as to where cameras should be installed with primary emphasis on safety rather than the number of citations that can be issued. Ultimately, both the city and the vendor must agree on the location for installation.

Response

The City agrees with the finding.

Finding #3

The red light camera systems installed in the county are generating significant revenue for the cities. In 2009, the amount the cities receive per citation ranges from \$119.17 (San Mateo) to \$142.49 (San Carlos).

Response

The City disagrees with the finding. The City has had significant difficulty obtaining its portion of the fines from San Mateo County, and, as the Grand Jury explains, "the transmittal of the funds from the county to the cities actually occurs some months later. In addition citation fines may be reduced by the traffic court if appealed." In addition, some fines may never be collected if the offending driver fails to pay the fine.

As a result, the City's Red Light Camera Enforcement Program had deficits in its first two years of existence (fiscal years 2008 and 2009). In fiscal year 2010 the program will experience a surplus, however the difficulty in collecting the City's portion of fines from the County continues to exist. As discussed below in response to Finding #4, the current revenue realized by the City is surprisingly low compared to expected projections. Additionally, the revenue for the City will decrease as the number of violations decreases due to drivers complying with the red light signal.

Finding #4

Three cities, Belmont, South San Francisco, and Burlingame have recently instituted red light traffic camera programs. The inception dates are too recent to report reliable empirical data. For the remaining cities, the grand jury estimated the potential monthly revenue based upon data received from the cities.

Average Monthly Citations and Potential City Revenue

(Average number of citations and average revenue earned is based on data provided by the respective police agency to the Grand Jury's survey. The number of citations and the revenue data as reported were for varying lengths of time - some for a few months; some for a year or more. An average monthly number was computed based on data provided as of September 30, 2009 and used here so as to make the information comparable from jurisdiction to jurisdiction. The cities receive a portion of the total fine levied on the motorist. Please see the chart under finding #10 which uses South San Francisco as an example for the allocation of the red light violation fine. Each city surveyed provided the amount it receives for each citation. This amount was multiplied by the average monthly citations to derive average monthly revenue. The potential revenue is based on the number of citations issued in any given month; however the transmittal of the funds from the county to the cities actually occurs some months later. In addition citation fines may be reduced by the traffic court if appealed. The revenue data presented is before payment to the vendor.

Whipple Avenue @Veterans Blvd

89 Average monthly citations; \$11,522 Average Month Potential City Revenue

Veterans Blvd @ Whipple Ave.

**418 Average Monthly Citations; *54,114 Average Month Potential City Revenue*

**Average was calculated based on data November 2009 through March 2010*

Total Redwood City

507 Average Monthly Citations; \$65,636 Average Month Potential City Revenue

Response

The City disagrees partially with the finding. The City has had significant difficulty obtaining its portion of the fines from San Mateo County, and, as the Grand Jury explains, "the transmittal of the funds from the county to the cities actually occurs some months later. In addition citation fines may be reduced by the traffic court if appealed." In addition, some fines may never be collected if the offending driver fails to pay the fine.

As a result, the City's Red Light Camera Enforcement Program had deficits in its first two years of existence (fiscal years 2008 and 2009). In fiscal year 2010 the program will experience a surplus. Taking into account the City's costs to operate and administer the program, the average net revenue realized by the City over the current lifetime of the photo enforcement program is approximately \$1,666 per month.

Finding #5

The data as reported indicated that in all the jurisdictions above, the revenue earned from citations exceeded direct costs such as the vendor's fee and employee costs. (Recently, the City of San Carlos extended the yellow light time to comply with state standards and found that the number of citations fell dramatically. As a result the revenue from red light citations could no longer cover the associated costs.)

Response

The City disagrees partially with the finding. The revenue is potential revenue. The City has had significant difficulty obtaining its portion of the fines from San Mateo County, and, as the Grand Jury explains, "the transmittal of the funds from the county to the cities actually occurs some months later. In addition citation fines may be reduced by the traffic court if appealed." In addition, some fines may never be collected if the offending driver fails to pay the fine.

Finding #6

Based on interviews and responses to survey questions, the reporting of accident statistics is not being used as a measure of the effectiveness of red light cameras. The primary emphasis appears to be on the number of citations issued. Based on the data provided by the cities, there was no overall trend indicating a noticeable change in accident rates before and after installation of red light cameras.

Response

The City disagrees partially with the finding. While the number of red light violation-related collisions at the approaches have not had a significant change since the installation of the red light cameras, it would appear the City's camera systems are reducing the number of red light violations as the number of violations recorded have dropped since their installation. It is hoped the cameras are a deterrent and drivers are becoming educated to become more cognizant of traffic control signals.

Finding #7

Most cities are protected from losses by a "cost neutral" clause in their contracts. In the event that fine revenue received does not cover the monthly cost of the contract, the city is only required to pay the actual amount that it did receive. San Carlos and San Mateo among other cities have voluntarily nullified the "cost neutral" clause in their contracts following a recent court case where a citation issued with this clause in place was dismissed by the court.

Response

The City agrees with the finding. The City's contract does have such a clause and is working to nullify the cost neutrality clause in its contract.

Finding #8

A significant portion of the citations issued from red light cameras are for motorist failure to stop before making a right hand turn. The same fine is applied to both violations.

Response

The City agrees with the finding. The City is unaware of the number of violations for failure to stop before making a right turn in other cities; however a significant portion of citations issued from the City's red light cameras are for that violation. Bear in mind that red light turns against a red light present a danger to drivers, bicyclists, and pedestrians which is the reason why it is illegal in the State of California.

Finding #9

The fine for failure to stop before making a right hand turn seems out of proportion to similar offenses and as a result is often appealed to the traffic court. The state mandated fine in 2010 for failure to stop at a stop signal or failure to halt before turning right on a red light is \$446.00. Traffic School is an additional \$60.00. By contrast, the fine for failure to halt at a stop sign is \$214.00; and the fine for going 15 mph over the speed limit is \$214.00.

Response

The City partially disagrees with the finding. First, the State, and not the City, sets the amounts of fines and assessments for traffic violations. As

stated above in the response to Finding #8, right turns against a red light present a danger to drivers, bicyclists, and pedestrians.

Finally, with regard to appeals to traffic court, the City estimates that the number of appeals to the traffic court for violations of failure to stop before making a right turn is less than 10% per month.

Finding #10

Using South San Francisco as an example, if a motorist is cited for either running a red light or not coming to a full stop before turning right, the \$446.00 fine would be distributed among the city, the county and the state as follows:

State of California	\$202.47	46%
So. San Francisco	\$139.75	31%
San Mateo County	\$103.78	23%

Response

The City is unable to agree with the finding. While the fine has increased over the past year, the City's percentage has remained the same. The City is unaware of the portion currently distributed to the State or County.

Finding #11

The number of citations that the Superior Court must adjudicate from red light cameras has increased significantly from 2008 to 2009. The Superior Court of San Mateo County reported the following information:

Red light Citations	2008: 17,211	2009: 30,948	%Change: 80%
All Other Citations	2008: 113,023	2009: 133,871	%Change: 18%
Total Citations	2008: 130,234	2009: 164,819	%Change: 27%

Response

The City is unable to agree or disagree with the finding.

Finding #12

The San Mateo County Superior Court system has become overwhelmed with citizens challenging the \$446 citation. The local court is not receiving any additional funding for this increased level of activity which requires additional staffing and resource commitment.

Response

The City is unable to agree or disagree with the finding. However, according to Grand Jury Finding #10, the County of San Mateo receives 23% (\$103.78) of a red light violation fine. Using the number of red light citations the County adjudicated in 2008 and 2009 (noted in Grand Jury Finding #11), the County collected \$ 1.7 million dollars in 2008 and \$3.2 million dollars in 2009 for red light citations.

Finding #13

Local court personnel who have already been reduced by 20% from layoffs and mandated furloughs are in arrears by approximately six months in processing traffic complaints.

Response

The City is unable to agree or disagree with the finding.

Finding #14

Based on court statistics the chart below provides an indication of the increasing volume of red light camera citations being issued over the two years ending December 31, 2009. South San Francisco was not included because on Feb. 5, 2010, the City had announced that it would be refunding/dismissing all tickets issued from the beginning of the program up to Jan.27,2010 - this was later extended to Mar. 10,2010. The impact on the Superior Court from the increase in citations is not a consideration when cities are evaluating whether to install the cameras.

Response

The City agrees with the finding. The City also must repeat that the County receives 23% of a red light violation fine which could be used to add court personnel to assist with the processing of red light violation citations.

Finding #15

There is not uniformity among all cities regarding criteria used in the evaluation of possible violations and the decision to issue citations.

Response

The City agrees with the finding. The County Police Chiefs and Sheriff Association has asked the County Red Light Users Group to examine the implementation of consistent protocols for the cities with camera systems. No date has been given for the group's recommendation.

Finding #16

Not all cities are using warning signs at red light intersections as a tool to slow down drivers and thereby reduce the number of vehicle accidents. Appendix "A," contains a selection of pictures of the warning signs used by the cities. Some such as San Carlos are clearly visible placed high and on the signal itself. Others such as those used in Menlo Park are in the far right, some distance from the intersection and often partially hidden by trees and other highway signs. In Daly City there were no warning signs at the intersection of Junipero Serra and Washington.

Response

The City is unable to comment on the placement of signs by other cities. However, 21455.5 (a) (1) of the California Vehicle Code states that the governmental agency may maintain an automated traffic enforcement system if it identifies the system by signs that clearly indicate the system's presence and are visible to traffic approaching from all directions, or posts signs **at all major entrances to the city**, including, at a minimum, freeways, bridges, and state highway routes.

There are signs posted at all major entry points into Redwood City, including, at a minimum, freeways, bridges, and state highway routes (19 total).

Finding #17

Police departments view the use of red light cameras and the associated signage as "behavior modification", basically educating the public that they must be careful to observe moving violations at all intersections.

Response

The City agrees with the finding.

Finding #18

The cameras operate 24 hours per day seven days per week compared to a police officer who, if available, would monitor the intersection only sporadically.

Response

The City agrees with the finding. In addition, some intersections, including the intersection at Whipple Avenue and Veterans Boulevard, are extremely difficult and dangerous for traditional enforcement due to the number of traffic lanes, traffic congestion and the configuration of the intersections.

RECOMMENDATIONS

The 2009-2010 San Mateo County Civil Grand Jury recommends the following to the City Councils of the cities of San Mateo County:

Recommendation #1

Consideration of where a red light camera is to be installed should be driven by the number of vehicle collisions occurring at that intersection and not the potential amount of revenue generated from citations. Because of the impact on the courts as well as the citizenry, a final decision should be made by the respective city council in open hearings.

Response

The first part of the recommendation has been implemented. Consideration was given to the number of vehicle collisions at the intersection where the cameras were installed (Whipple Avenue and Veterans Boulevard). In addition consideration was given to the number of violations at the intersection as the violations indicate a propensity for collisions. Potential revenue was never a consideration to the placement of the cameras.

The second part of the recommendation will not be implemented as there are no plans to add any additional cameras in the City. If the plans change, consideration will be given to the recommendation.

Recommendation #2

Each jurisdiction installing a red light camera should measure its ongoing effectiveness by the number of accidents caused from red light violations before and after installation.

Response

The recommendation has been implemented. The City also considers the number of citations generated at the intersection as it would appear the camera systems are reducing the number of red light violations. The number of violations recorded has dropped since the installation of the systems. It is hoped the cameras are a deterrent and drivers are becoming educated to become more cognizant of traffic control signals.

Recommendation #3

Establish consistent and regular reporting of accident rates to senior officials including the respective city councils. This should be done at least annually. When reports indicate that accident rates have not been reduced, action should be taken to investigate why and removal of the red light cameras should be considered if they are not effective.

Response

The recommendation to report the accident rates at the intersection has not yet been implemented, but will be implemented at the end of calendar year 2010 if requested by the City Manager and City Council.

The City does not feel that the accident rate alone should determine if the cameras should be removed. The effectiveness of the cameras should also be measured by the number of violations captured and the reduction of the violations over time. It is hoped that the cameras are a deterrent and drivers are becoming educated to become more cognizant of traffic control signals.

Recommendation #4

Working through the county Police Chiefs and Sheriff Association and/or the City Managers Association, establish and require consistent protocols to be used by all county cities for evaluating possible violations and the issuance of a citation. Such county-wide standards can allow courts to more quickly and efficiently evaluate appeals that come before it.

Response

The recommendation has not been implemented, but will be implemented in the future. The County Police Chiefs and Sheriff Association has asked the County Red Light Users Group to examine the implementation of consistent protocols for the cities with camera systems. No date has been given for the group's recommendation.

Recommendation #5

Install prominent signage, at the camera intersection, highly visible to all approaching traffic warning motorists of the camera. This should include signage warning motorists to come to a full stop before turning right on a red light.

Response

The City does not have signage at each intersection because it is not currently required by statute.

21455.5 (a) (1) of the California Vehicle Code states that the governmental agency may maintain an automated traffic enforcement system if it identifies the system by signs that clearly indicate the system's presence and are visible to traffic approaching from all directions, or posts signs at all major entrances to the city, including, at a minimum, freeways, bridges, and state highway routes.

There are signs posted at all major entry points into Redwood City, including, at a minimum, freeways, bridges, and state highway routes (19 total).

Recommendation #6

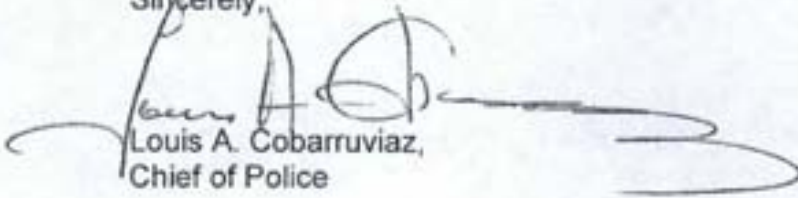
Working through the county Police Chiefs and Sheriff Association and/or the City Managers Association, consider centralizing the administrative tasks of evaluating possible violations and issuance of citations. This would not only achieve budgetary savings but would also insure consistent and professional application of the protocols affecting San Mateo Drivers.

Response

The recommendation requires further analysis. The police department will discuss with other San Mateo County police departments with camera systems the feasibility of the recommendation. The matter will be prepared for discussion by the police department no later than December 2010.

On behalf of the Redwood City Council, I would like to thank the Grand Jury for their interest and work on this report. If there is additional information that I can supply, please do not hesitate to ask.

Sincerely,



Louis A. Cobarruviaz,
Chief of Police