

No. S208927

**IN THE SUPREME COURT OF THE STATE OF CALIFORNIA**

---

[REDACTED] **DAVID,**

Petitioner

vs.

**APPELLATE DIVISION OF THE SAN FRANCISCO SUPERIOR  
COURT and COURT OF APPEAL OF THE STATE OF  
CALIFORNIA, FIRST APPELLATE DISTRICT,**

Respondents,

**THE PEOPLE OF THE STATE OF CALIFORNIA,**

Real Party in Interest

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After Denial of Petition to Transfer Case from Appellate Division  
to Court of Appeal, No. A137730  
Appellate Div. Case No. APP-12-7434  
San Francisco Superior Court Crim. Case No. CZA0308327

(Honorable Ronald W. Stovitz, Judge Pro Tem)

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**REPLY MEMORANDUM OF POINTS AND AUTHORITIES  
WITH EXHIBIT TO THE PRELIMINARY OPPOSITION TO  
PETITION FOR WRIT OF CERTIORARI  
AND OTHER APPROPRIATE RELIEF**

---

[REDACTED] David

[REDACTED]  
San Francisco, CA 94102

[REDACTED] (phone)

[REDACTED] (fax)

Petitioner, In Propria Persona

SUPREME COURT  
**FILED**

APR - 2 2013

Frank A. McGuire Clerk

Deputy

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**CERTIORARI WILL LIE IN THE CIRCUMSTANCES OF THIS CASE.**

The City contends “there is no jurisdictional issue here, because the Appellate Division indisputably has jurisdiction.” The City misapprehends the issue before this court and misapprehends “jurisdiction” in the context of a petition for certiorari.

The issue before the court is *not* whether petitioner’s traffic-infraction conviction should be reversed or whether the City and County of San Francisco has systematically violated the Vehicle Code’s sign-posting requirements governing the use of automated enforcement systems. This court is not being asked to address those issues. Those issues would be considered by the Court of Appeal if this court grants this petition. Thus, the *sole* issue presented by this petition is whether the misapplication of judicial power by the Appellate Division was jurisdictionally invalid such that it deprived petitioner of the right to a meaningful appeal to an extent that this court should order the Court of Appeal to hear and decide the case on the merits. That the substantive issues raised by the appeal are novel and of statewide importance give further impetus to grant the relief requested.

The City’s preliminary opposition misunderstands the phrase “exceeded [its] jurisdiction” within the meaning of Code of Civil Procedure section 1068, subdivision (a). Chief Justice Gibson clarified more than 70 years ago that it is not sufficient for a lower court merely to have in personam or subject matter jurisdiction to avoid review by certiorari:

For the purpose of determining the right to review by certiorari . . . a much broader meaning [of the term “lack of jurisdiction”] is recognized. Here it may be applied to a case where, *though the court has jurisdiction over the subject matter and the parties in the fundamental sense, it has no ‘jurisdiction’ (or power) to act except in a particular manner, or to give certain kinds of relief, or to act without the occurrence of certain procedural prerequisites.*

\* \* \*

However, it seems well settled (and there appears to be no case holding to the contrary) that when a statute authorizes prescribed procedure, and the court acts contrary to the authority thus conferred, it has exceeded its jurisdiction, and certiorari will lie to correct such excess.

\* \* \*

***Speaking generally, any acts which exceed the defined power of a court in any instance, whether that power be defined by constitutional provision, express statutory declaration, or rules developed by the courts and followed under the doctrine of stare decisis, are in excess of jurisdiction, in so far as that term is used to indicate that those acts may be restrained by prohibition or annulled on certiorari.***

\* \* \*

[A rule of law] followed under the doctrine of stare decisis, and binding upon all courts . . . may [not] be disregarded by lower tribunals without fear of prevention by the higher courts. This last point cannot be too strongly emphasized, for the rule will disappear unless this court is prepared to enforce it.

*(Abelleira v. Dist. Court of Appeal, Third Dist. (1941) 17 Cal.2d 280, 288-293, emphasis added.)*

This court has long held that its supervisory powers over the administration of justice in California may be exercised prophylactically when proceedings in an inferior court threaten due process values. Chief Justice Wright wrote almost 40 years ago that it is the Supreme Court's "duty to insure that the administration of justice in California operates as fairly as is feasible, by insisting to the utmost practicable extent that arbitrary factors not be allowed to influence the judicial decision-making process. Only in this way will our legal system realize its ideal 'that the judicial should be equated with the just.'" (*People v. Coleman* (1975) 13 Cal.3d 867, 888, citation omitted.)<sup>1</sup>

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<sup>1</sup> Issues of due process under the California and federal Constitutions lurk at the periphery of this petition, but need not be addressed. Regardless whether constitutional due process guarantees some form of meaningful

While rule 8.500(a)(1) of the Rules of Court provides that a petition for review may not challenge a Court of Appeal's denial of a transfer of a case within the appellate jurisdiction of the superior court, such does not divest the Supreme Court of its power to remedy a lower court's misapplications of judicial power such that it has exceeded its jurisdiction. In just such circumstances, in a process carefully described by then Justice Cantil-Sakauye while sitting on the Court of Appeal, the Supreme Court recently granted a petition for a writ of certiorari and transferred the case to the Court of Appeal with directions that it issue a writ of review to the Appellate Division of the superior court and decide the issues raised in the appeal. (See *Tecklenburg v. Appellate Division, Superior Court for San Joaquin County* (2009) 169 Cal.App.4th 1402, 1405-1406.)

**A. The City Has Tacitly Conceded The Essential Facts Alleged In The Petition.**

By its silence, the City tacitly concedes the issues that are relevant to this proceeding. It does not deny that 64 of the 67 intersections with posted warning signs have no cameras or that 22 of the 25 intersections equipped with cameras have no warning signs. It fails to mention, much less address, the Appellate Division's failure to follow the statewide Rules of Court

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review of a lower-court conviction of a state traffic offense, California law unquestionably grants petitioner the right to have his conviction reviewed by the Appellate Division of the Superior Court. This right to appeal, having been statutorily conferred upon petitioner, requires that procedural due process guarantee meaningful enjoyment of that right: the process by which the Appellate Division administers petitioner's statutory right to appeal cannot be standardless, lacking in impartiality, or otherwise arbitrary and capricious. But to grant petitioner the relief he seeks – the granting of the writ of certiorari and the transfer of the case for rehearing on the merits in the Court of Appeal – this court need not enter the constitutional thicket of just how much process is due petitioner when state law grants a right of appeal. The exercise of this court's supervisory powers may be a preferred alternative to a definitive adjudication of the constitutional metes and bounds of the due process of law.

governing its procedures, and its failure to follow binding appellate precedents by conducting a de novo review and undertaking the appropriate analysis to interpret statutes, including consideration of legislative history. Nowhere in its preliminary opposition does the City contend that the Appellate Division had the power to ignore those unambiguous rules, to disregard the questions petitioner presented in his appeal, to ignore its duty to uphold the law as interpreted by the appellate courts, or to fail to accord due process appellate rights to petitioner. (See *People v. Bouzas* (1991) 53 Cal.3d 467, 480 [“The People apparently concede [appellant’s argument about repeal of legislation by implication]; although they respond to each of defendant’s other arguments, they simply ignored this point in their brief and at oral argument.”]; *Westside Center Associates v. Safeway Stores 23, Inc.* (1996) 42 Cal.App.4th 507, 529 [respondent’s “failure to address the threshold question of intent effectively concedes that issue”]; *California School Employees Assn. v. Santee School Dist.* (1982) 129 Cal.App.3d 785, 787 [“the [respondent] district apparently concedes by its failure to address this issue in its appellate brief”].)

**B. Prejudice Has Been Shown By the Appellate Division’s Acts In Excess Of Its Powers.**

Both the system of justice and petitioner suffered prejudice by the Appellate Division’s failure to follow the Rules of Court. *First*, the failure to provide the required notices permits the City to claim it did not have a full and fair opportunity to litigate the issues on appeal and thereby avoid collateral estoppel effect. (See *Rodgers v. Sargent Controls & Aerospace* (2006) 136 Cal.App.4th 82, 89-89.) *Second*, absent the City’s participation in framing and joining the issues, petitioner is prejudiced by not having any notion on what basis the case might be decided and by not having an opportunity to file a reply brief responding to those arguments. That prejudice was manifested in this case when the Appellate Division decided

the case on an irrelevant basis not raised in petitioner’s opening brief, namely, the sufficiency of the evidence. *Third*, the system of justice is undermined by the Appellate Division’s lack of exposure to the argument of both parties, which would have helped the court to arrive at a thoughtful and just decision. See *JumpSport, Inc. v. Jumping, Inc.* (N.D. Cal. 2003) 213 F.R.D. 329, 334 [the adversary process “assumes that highly motivated searches simultaneously undertaken from different perspectives are likely to generate the most comprehensive data (evidentiary and legal) and the widest array of interpretations of it – and it is that comprehensiveness of data, and the clash of views about what inferences should be drawn from it, that enable the adversary system to deliver reliable results”].)

To be sure, rule 8.927 does not require the City to file a brief with the Appellate Division; appeals in traffic infraction cases usually involve only run-of-the-mill questions of credibility or substantial evidence. But where important, substantive, and novel legal issues are properly raised for decision, the appellate system breaks down if one side receives no notice and fails to participate. One thing is certain: if this court orders the Court of Appeal to decide the case, the City will fully participate, and the system of justice will be better served.

**C. The City Is Not Free To Disregard Statutory Laws That It Finds To Be Absurd.**

The City urges denial of the petition based on its contention that it is “absurd” for the Vehicle Code to require the posting of warning signs at all major entrances to the city “including, at a minimum . . . bridges. . . .” (Veh. Code § 21455.5, subd. (a)(1).) Nowhere does the City dispute the officer’s testimony at trial that the North Tower of the Golden Gate Bridge displays a sign “showing that you’re entering the city” (Exh. 4, p. 26:15-16) and that “this is where the county line starts, where that sign is that says City and County of San Francisco” (*id.* at p. 26:19 - 27:1). Nor does the City dispute



the express words of the statute that require that signs be placed at major entrances on bridges.

The author of the amicus letter filed with this court, Judge Quentin Kopp, was the state senator who drafted the legislation which is the subject of the appeal. He explains that the statute's signage requirements were intended to be literally applied in order to enhance public safety and protect due process values in authorizing a new species of technology capable of detecting split second red light violations to be used by cities in traffic signal enforcement. He specifically addresses why it is not absurd to place warning signs on bridges:

The "improved public safeguards" [underlying purpose of the law] was satisfied by the legislation in one of two ways. If the signs were posted at every major entrance to the City, whether on a bridge or freeway (where there are usually no traffic signals), any motorist would understand that cameras could be found at any intersection within the City without further notice. It was contemplated that such knowledge on the part of the motorist would encourage caution in traveling through signal-controlled city intersections.

Despite the clarity of the statute and the explanation of the legislature's intent as articulated by amicus Judge Kopp, the City apparently agrees with the trial court's interpretation of the statute's "major entrance" requirement to mean the first traffic signal encountered after leaving a bridge or freeway regardless of the actual location of the City limits. Even in the unlikely event a court were to find the words "major entrances" and "including, at a minimum . . . bridges. . . ." are "*egregiously* ambiguous and uncertain," the rule of lenity "requires a court to prefer the interpretation that is more favorable to the defendant." (*People v. Manzo* (2012) 53 Cal.4th 880, 889 [emphasis in original].)

The City, however, fails to explain why, if it finds the bridge entrance sign posting requirement burdensome, unpalatable or absurd, it has not

complied with the alternative requirement to post signs at all the camera monitored intersections. There simply is no legal basis for the City to ignore the legislative mandate. Nor is the City's assessment of what laws are "absurd" and those which should be followed a basis to deny this petition.

Aside from the foregoing, it is difficult to take the City's absurdity argument seriously. Even courts may not refuse to enforce a statute because it believes the Legislature's means of achieving a legitimate goal is absurd. "Judicial construction, and judicially crafted exceptions, are appropriate only when literal interpretation of a statute would yield absurd results or implicate due process. Otherwise, a statute "must be applied in strict accordance with [its] plain terms. . . . Under no circumstance, however, may the court under the guise of construction, rewrite the law or give the words an effect different from the plain and direct import of the terms used." (*Apple, Inc. v. Superior Court* (2013) 56 Cal.4th 123, 158, internal quotation marks and citations omitted.)

If for no other reason, this court should order the appeal to be heard on the merits so that the Court of Appeal can decide whether a city is free to ignore an unambiguous statutory mandate.

**D. The City's Plan for Compliance With the New Law Is To Delay Until The End Of 2013.**

The court should not deny this petition relying on the City's unsupported representation (contained nowhere in the record of this case) that it "is in the process of complying with this new requirement" to post signs within 200 feet of all camera intersections. The City's factual representation is incomplete and potentially misleading.

As documented by the attached Exhibit 16, SFMTA cancelled a March 2011 work order directed to the City's sign shop to manufacture "Photo Enforced" warning signs to be installed at camera-monitored intersections (Exh. 16, pp. 142, 145-148) and has no plan to submit a new

work order until sometime this summer (which means it could be as late as September) (Exh. 16 p. 142); has failed to take the expedient step of moving the 60+ signs posted at non-camera intersections to camera-monitored intersections (Exh. 16, pp. 134-135); has failed to install any signs at camera-monitored intersections this year (Exh. 16, pp. 135-136); has no documentation relating to any scheduled warning sign installations (Exh. 16, pp. 137-138); and has no documentation relating to any steps taken by the City to comply with the new law (Exh. 16, p. 139, 141). The only plan in place to date was reaffirmed a few days ago in an email dated March 26, 2013 from City Traffic Engineer, Ricardo Olea, to Red Light Camera Program Manager, Leanne Nhan, reminding Ms. Nhan about a prior agreement between them for Mr. Olea to begin the process of manufacturing new warning signs by putting in a “fresh work order to the sign shop” sometime “in the summer when I get some help.” (Exh. 16, pp. 140, 142.)

It seems clear from the record that the City’s plan is to continue to delay in complying with the new law until the end of the year, which is the absolute final deadline established by the new law. Such delay will enable the City during 2013 to maintain the status quo generating millions of dollars of additional fine revenue without making the City safer. According to information obtained in February, 2013 from the San Francisco Municipal Transportation Authority pursuant to petitioner’s public records requests, camera citations generated revenue of \$2,106,775 in 2012 alone, an all-time annual high according to the information provided. (Exh. 16, pp. 132-133.)

**E. The Fact That The New Sign-Posting Law Became Effective This Year In No Way Makes This Case Less Important Because The Old Law Must Be Followed Until The New Law Is Fully Implemented.**

The City contends that recent amendments to the Vehicle Code, giving cities until the end of 2013 to post warning signs within 200 feet of all camera monitored intersections, render this case unimportant if not moot.

The city's contention is misplaced.

*First*, petitioner is entitled to have his appeal heard because it challenges the validity of his prosecution based on the law as it existed at the relevant time. The City cannot argue that the new law renders petitioner's challenge to his prosecution moot or that the prosecution is now authorized under the new law. Basic ex post facto principles make clear that changes to punitive statutes cannot moot this appeal. (Cal. Const., art. I, § 9; U.S. Const., art. I, § 10; *People v. Valenzuela* (2009) 172 Cal.App.4th 1246, 1248 [fines are punitive sanctions that are subject to the prohibition against ex post facto laws].)

*Second*, it will be necessary for the Court of Appeal to determine whether, during this one-year interim period, the City must comply with the prior law's "major entrances" requirement until it has installed warning signs at all camera-monitored intersections in compliance with the new law and, if so, whether San Francisco's statutorily-unauthorized method of sign placement passes muster.

*Third*, there are many outstanding automated enforcement system citations issued for 2012 red light violations that have not gone to trial or otherwise have been disposed of and could be affected by the outcome of this appeal. Moreover, depending on whether the City's continued non-conforming sign-posting regimen constitutes a violation under the new law, the red light camera citations issued this year could also be affected by the outcome of this case.

*Fourth*, to the extent that other cities have failed to comply with the statute's requirements in a fashion similar to San Francisco's derelictions, the clear guidance resulting from the Court of Appeal's hearing this case on the merits is desirable and necessary.

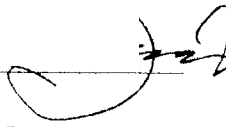
The City – and other cities similarly situated – has a strong financial incentive to mislead motorists about its widespread use of its unmarked

automated enforcement system. With no signs at 90% of the intersections with cameras, and no signs at the major entrances to the city (as defined by the Vehicle Code), motorists are more likely to commit unintended violations, and the city will generate greater revenues.

As long as this situation exists, the most dangerous intersections in the City, which have been selected for camera monitoring, will not be made safer by the presence of the cameras. But thousands of motorists who inadvertently commit split second violations at camera-controlled intersections, which only a mechanical device like a camera can detect and measure, will continue to be required to pay fines of around \$500 and suffer a point on their driving records.

Respectfully submitted,

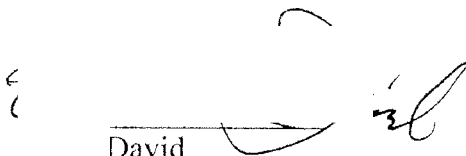
David  
In Propria Persona



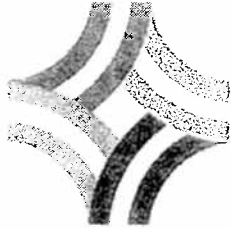
**CERTIFICATE WORD COUNT**

I, David, certify that the word count for this document is 2,938 words, excluding the cover, tables and proof of service. This document was prepared in Microsoft Word, and this is the word count generated by the program for this document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on April 4, 2013.

  
\_\_\_\_\_  
David  
In Propria Persona

# **EXHIBIT 16**



February 11, 2013

Sent Via Email and USPS

David  
Law offices of

San Francisco, CA 94102  
@gmail.com



RE: Public Records Request dated January 30, 2013

Dear Mr. David:

On behalf of the San Francisco Municipal Transportation Agency (the "SFMTA"), this letter responds to your public records request dated January 30, 2013.

The Records Requested

You have requested a copy of:

- "1 The selection of intersections where automated enforcement camera systems have ever been installed in SF
- 2 The decision to remove installed automated enforcement camera systems from any intersections since 1996
- 3 The selection of locations where photo enforced warning signs swere considered to be posted, but have never been, posted
- 4 The selection locations to remove photo enforced warning signs where such signs were previously posted but are no longer posted
- 5 The selection of locations where photo enforced warning signs have been and continue to be posted to date
- 6 Compliance or lack of compliance by the City and County of SF with Vehicle Code 21455.5(a0(1) from 1996 to present
- 7 Deliberations, decisions, inquiries or complaints originating with members of the public, public employees, and/or public officials regarding the posting or lack of posting of photo enforcement signs at the city/county line of SF
- 8 Deliberations, decisions, inquiries or complaints originating with members of the public, public employees, and/or public officials regarding the posting or lack of posting of photo enforcement signs at non red light controlled locations other than at the city of SF



Edwin M. Lee, *Mayor*  
 Tom Nolan, *Chairman*  
 Cheryl Brinkman,  
*Vice-Chairman*  
 Leona Bridges, *Director*  
 Malcolm Heinicke, *Director*  
 Jerry Lee, *Director*  
 Joél Ramos, *Director*  
 Cristina Rubke, *Director*  
 Edward D. Reiskin  
*Director of Transportation*

One South Van Ness Avenue  
 Seventh Floor  
 San Francisco, CA 94103  
 Tele: 415.701.4500  
 www.sfmta.com





9 Deliberations, decisions, inquiries or complaints originating with members of the public, public employees, and/or public officials regarding the posting or lack of posting of photo enforcement signs at red light controlled intersections in SF

10 The photo enforced sign posting practices of municipalities, cities, counties utilizing automated enforcement camera systems with CA other than SF

11 The revenue generated for the City and any third party manufacturer, supplier or operator of the automated enforcement camera systems through the issuance of citations based on evidence derived from automated enforcement camera systems from 1996 to date

12 All litigation material involving the issue of whether prosecution of violations of vehicle code section 21453(a) using evidence obtained from the use of automated enforcement systems such as red light cameras

13 name and office # of person most knowledgeable about affairs of SFMTA re above mentioned subjects."

Document Production

1. See webpage <http://www.sfmta.com/cms/venf/14440.html>
2. No responsive documents
3. No responsive documents
4. No responsive documents
5. See disk
6. See disk
7. No responsive documents
8. No responsive documents
9. No responsive documents
10. No responsive documents
11. See below
12. See disk
13. For public records requests: Caroline Celaya, Manager, Public Records Requests: 701-4670. For red light camera enforcement program: Leanne Nhan Assistant to the Director of Sustainable Streets: 415-701-4591.

RLC Revenues

	TOTAL
FY 2011-2012	2,106,775
FY 2010-2011	1,262,587
FY 2009-2010	1,695,330
FY 2008-2009	1,912,855
FY 2007-2008	1,513,534
FY 2006-2007	1,403,073
FY 2005-2006	1,523,581





FY 2004-2005	1,351,737
FY 2003-2004	1,404,012
FY 2002-2003	1,077,492
FY 2000-2001	1,256,118
FY 2001-2002	1,333,038
FY 2000-2001	1,256,118
FY 1999-2000	389,753
FY 1998-1999	423,696
FY 1997-1998	50,645
FY 1996-1997	-
FY 1995-1996	-

Please contact the Sunshine request line at (415) 701-4670 or at [sfmtasunshinerequests@sfmta.com](mailto:sfmtasunshinerequests@sfmta.com) if you have any further questions regarding this matter or if you would like additional information.

Sincerely,

  
Caroline Celaya  
Manager, Public Records Requests



David <David@sfmta.com>  
 Leanne Nhan <leanne.nhan@sfmta.com>

David @yahoo.com>

Thu, Jan 31, 2013 at 4:11 PM

To: "Nhan, Leanne" <leanne.nhan@sfmta.com>

Bcc:

Ms. Nhan:

Though we were both clearly somewhat frustrated by the tone of our conversation yesterday, I am convinced that you as director of the Red Light Camera program are fundamentally motivated to make the City safer through the use of the cameras. In that spirit, I offer the following suggestion, which I hope you will seriously consider.

First, thank you for sending me SB 1303, which I read with interest. My initial review of the new law is that the "major entrance" requirement has disappeared altogether as of Jan 1, 2013. Does MTA read the statute that way as well?

If this is the case, I have a suggestion which will get around the chronic delays at the sign shop and simultaneously accommodate my (and hopefully your) safety concerns for the City, which is the need to have warning signs at the dangerous, camera-monitored intersections so that motorists will be on notice to proceed cautiously through them.

You have informed me in our conversation yesterday that the sign shop is backed up with other priorities, which is the reason no signs have been created in response to your March, 2011 work order. You also informed me months ago that the City has signs posted at 64 intersections that do not have cameras and which the City contends are "major entrances", a characterization no longer relevant to current new law.

Wouldn't it make sense to move and post those 64 signs to the camera-monitored intersections on an immediate basis? Once they are in place, SF will have fully complied with the Vehicle Code, and San Francisco will be safer for motorists and pedestrians. MTA can thereafter at its leisure post at any other location new signs hereafter created by the sign shop.

Such a step would enhance the reputation of MTA with residents because it would be taking a step to promote safety concerns and eliminate what has become a series of red light traps throughout the city. I would happily assist you in preparing a press release!

Thank you for your consideration of the foregoing. I look forward to hearing from you.

Yours truly,

David

David @yahoo.com>

Tue, Feb 19, 2013 at 12:40 PM

To: "Nhan, Leanne" <leanne.nhan@sfmta.com>

Dear Ms. Nhan:

134

I wrote you on January 31 suggesting how SF might comply with the new law more quickly than the end of the year by moving the signs from intersections without cameras to those with installed cameras.

I would appreciate the courtesy of a reply.

Thank you.

David  
[Quoted text hidden]

**Nhan, Leanne** <Leanne.Nhan@sfmta.com>  
To: David @yahoo.com>

Thu, Feb 21, 2013 at 9:51 AM

Mr. David,

Thanks for your suggestion. The Agency will take it under advisement and appreciates you sharing your concerns.

*Leanne Nhan*

*Red Light Camera Program Manager*

*1 S. Van Ness Ave, 7<sup>th</sup> FL*

*San Francisco, CA 94103*

*(P) 415-701-4591*

**From:** davi @gmail.com [mailto: @gmail.com] **On Behalf Of** David  
**Sent:** Tuesday, February 19, 2013 12:41 PM  
**To:** Nhan, Leanne  
**Subject:** Re: Proposed SF Response to SB 1303

[Quoted text hidden]

**David** @yahoo.com>  
To: "Nhan, Leanne" <Leanne.Nhan@sfmta.com>

Sat, Mar 23, 2013 at 1:59 PM

Dear Ms. Nhan:

I would appreciate your advising me to what extent, if any, have photo enforced warning signs been posted at camera installed intersections since the beginning of 2013, and if any have been posted, please identify the intersections.

Thank you for your continued courtesies.

135

3/2/13

Gmail - Proposed SF Response to SB 1303

David

[Quoted text hidden]

---

**Nhan, Leanne** <Leanne.Nhan@sfmta.com>  
To: David @yahoo.com>

Mon, Mar 25, 2013 at 8:57 AM

Mr. David,

No signs have been installed at camera enforced intersections since the beginning of 2013.

*Leanne Nhan*

*Red Light Camera Program Manager*

*1 S. Van Ness Ave, 7<sup>th</sup> FL*

*San Francisco, CA 94103*

*(P) 415-701-4591*

---

**David** @yahoo.com>  
To: "Nhan, Leanne" <Leanne.Nhan@sfmta.com>

Mon, Mar 25, 2013 at 10:26 AM

Ms. Nhan:

Thank you for your quick reply. Have any photo enforced sign installations at camera-monitored intersections been scheduled? If so, please give details.

Thank you again for your cooperation.

David

[Quoted text hidden]

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**Nhan, Leanne** <Leanne.Nhan@sfmta.com>  
To: David @yahoo.com>

Mon, Mar 25, 2013 at 10:31 AM

Mr. David,

We have no responsive documents to your request below. Please send all public information requests through Ms. Caroline Celaya in the future. Thank you.

*Leanne Nhan*

*Red Light Camera Program Manager*

*1 S. Van Ness Ave, 7<sup>th</sup> FL*

*San Francisco, CA 94103*

[https://mail.google.com/mail/u/0/?ui=2&ik=5fb5172a92&view=nt&cat=Red light camera case&search=cat&th=13c9317c234d16cc](https://mail.google.com/mail/u/0/?ui=2&ik=5fb5172a92&view=nt&cat=Red%20light%20camera%20case&search=cat&th=13c9317c234d16cc)

4/7

**David** @yahoo.com>  
To: "Nhan, Leanne" <Leanne.Nhan@sfmta.com>

Mon, Mar 25, 2013 at 10:47 AM

Ms. Nhan:

To clarify your response, am I to understand that there are no written communications (including email) or any other writings whatsoever on the subject matter of my inquiry, namely, whether any photo enforced warning signs installations have been scheduled to comply with the current Vehicle Code requirements?

Thank you for clarifying.

David

[Quoted text hidden]

**Nhan, Leanne** <Leanne.Nhan@sfmta.com>  
To: David @yahoo.com>

Mon, Mar 25, 2013 at 10:59 AM

Yes



**Celaya, Caroline** <Caroline.Celaya@sfmta.com>  
To: @gmail.com" @gmail.com>

Tue, Mar 26, 2013 at 2:41 PM

Dear Mr. David:

On-behalf of the San Francisco Municipal Transportation Agency (the "SFMTA"), this letter responds to your public records request dated March 25, 2013.

A copy of your request is below for your reference.

After reviewing our records, the SFMTA has determined that the agency does not have any records responsive to your request.

The California Public Records Act requires an agency to make available to any person a copy of an "identifiable record or records" in its possession, unless the record is specifically exempt from disclosure. The City's obligation under the Sunshine Ordinance, similar to the California Public Records Act, is to produce public records in its custody. (S.F. Admin. Code §67.20(b).) Neither the California Public Records Act nor the Sunshine Ordinance requires a department to create a document not already in existence, or answer a series of written questions or interrogatories that do not seek public records.

Please do not hesitate to contact the sunshine request line at 701.4670 or [sfmtasunshinerequests@sfmta.com](mailto:sfmtasunshinerequests@sfmta.com) if you have further questions on this matter. Thank you for your consideration.

Sincerely

Caroline Celaya

Manager, Public Records Requests

SFMTA

One South Van Ness Avenue

Seventh Floor

139





Gmail

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**SFMTA response to IDR # 2013-104**

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**SFMTA Sunshine Requests** <SFMTASunshineRequests@sfmta.com>  
To: @gmail.com" @gmail.com>

Wed, Mar 27, 2013 at 11:50 AM

Dear Mr. David:

On behalf of the San Francisco Municipal Transportation Agency (the "SFMTA"), this letter responds to your immediate disclosure dated March 26, 2013.

A copy of your request is below for your reference.

Attached please find documents responsive to your request.

Regarding item # 1 - As the SFMTA has previously informed you, please be advised that Senate Bill 1303 amended Vehicle Code section 21455.5 to read as follows: "Automated traffic enforcement systems installed as of January 1, 2013, shall be identified no later than January 1, 2014." The SFMTA intends to comply with the new warning signage requirement before January 1, 2014, as required by state law.

Regarding item #2 - Please see the letter dated 2.11.13, response to item #13.

Please contact the Sunshine request line at (415) 701-4670 or at [sfmtasunshinerequests@sfmta.com](mailto:sfmtasunshinerequests@sfmta.com) if you have any further questions regarding this matter or if you would like additional information.

Sincerely,

Caroline Celaya

Manager, Public Records Requests

SFMTA

One South Van Ness Avenue

Seventh Floor

San Francisco, CA 94103

140

415.701.4670

**From:** @gmail.com [mailto: @gmail.com] **On Behalf Of** David  
**Sent:** Tuesday, March 26, 2013 12:14 PM  
**To:** SFMTA Sunshine Requests  
**Subject:** IMMEDIATE DISCLOSURE Public Records Request Under the Sunshine Ordinance

Pursuant to Article III of the San Francisco Sunshine Ordinance, I request the copies of all public records, whether in electronic form or otherwise, relating to steps taken to date by the City and County of San Francisco to comply with the requirements of SB 1303 to post photo enforced warning signs at all San Francisco intersections equipped with automated enforcement camera systems.

Also, please provide me with the name and office telephone number of the person(s) most knowledgeable about the affairs of the San Francisco Municipal Transportation Agency relating to the above-mentioned subject and who is authorized to provide oral public information on such subjects pursuant to Sec. 67.22 of the San Francisco Sunshine Ordinance.


If the records are available in electronic form, please email them to me no later than the close of business on the day following the date of this request. Please notify me before this deadline if you need a reasonable additional period of time within which to respond as allowed by the ordinance. I trust that the identity and contact information of the most knowledgeable person(s) regarding the subject matter of this request will be provided promptly.


Very truly yours,

David

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**3 attachments**

 **Workorder for Signage.pdf**  
214K

 **SB1303 Signage.pdf**  
116K

 **David, 2.11.13.pdf**  
149K

141

**Nhan, Leanne**

---

**From:** Nhan, Leanne  
**Sent:** Wednesday, March 27, 2013 8:47 AM  
**To:** Olea, Ricardo; Macario, Michael  
**Subject:** RE:

Ok, thanks for the reminder Ricardo.

Leanne

**From:** Olea, Ricardo  
**Sent:** Tuesday, March 26, 2013 8:59 PM  
**To:** Nhan, Leanne; Macario, Michael  
**Subject:** RE:

Leanne - I thought we agreed that I was sending a fresh work order to the Sign Shop to do this work. The previous work orders are not valid, cancelled. I'm going to send something in the summer when I get some help. Ricardo

**From:** Nhan, Leanne  
**Sent:** Tuesday, March 26, 2013 4:51 PM  
**To:** Macario, Michael  
**Cc:** Olea, Ricardo  
**Subject:**

Mike -

By State Law, the red light camera warning signage must be installed before January 1, 2014. Please proceed to reinstate that work order (attached) and complete the work as soon as possible. Thank you.

Leanne

**From:** Macario, Michael  
**Sent:** Tuesday, March 26, 2013 3:18 PM  
**To:** Nhan, Leanne  
**Subject:**

See below

**From:** Laffey, Noel  
**Sent:** Tuesday, March 26, 2013 3:16 PM  
**To:** Macario, Michael  
**Cc:** Grey, John  
**Subject:**

Mike,  
That work order was never completed, it was put on hold and then cancelled.

Noel

**From:** Macario, Michael  
**Sent:** Tuesday, March 26, 2013 2:47 PM  
**To:** Grey, John; Laffey, Noel  
**Subject:**

**From:** Nhan, Leanne  
**Sent:** Tuesday, March 26, 2013 2:46 PM  
**To:** Macario, Michael  
**Subject:**

Any and all documents. But only related to the workorder I sent to install new signage at the red light camera intersections. I do not need records for any previous requests to replace/repair signage.

**From:** Macario, Michael  
**Sent:** Tuesday, March 26, 2013 2:43 PM  
**To:** Nhan, Leanne  
**Subject:**

Leanne  
What kind do you want the day we installed, replaced, repaired etc.....

Mike

**From:** Nhan, Leanne  
**Sent:** Tuesday, March 26, 2013 2:40 PM  
**To:** Macario, Michael  
**Subject:**  
**Importance:** High

Mike – See Sunshine Request below. Do you have any documents related to the work order attached?

Leanne

**From:** Celaya, Caroline **On Behalf Of** SFMTA Sunshine Requests  
**Sent:** Tuesday, March 26, 2013 12:17 PM  
**To:** Nhan, Leanne  
**Cc:** Mena, Jannette; Greenburg, David  
**Subject:**  
**Importance:** High

Please see the IDR below and let me know if you have responsive records.  
A reply is due COB tomorrow, Wednesday, March 27.  
Thanks,

Caroline Celaya  
Manager, Public Records Requests  
SFMTA  
415.701.4648

**From:** [redacted]@gmail.com [mailto:[redacted]@gmail.com] On Behalf Of David  
**Sent:** Tuesday, March 26, 2013 12:14 PM  
**To:** SFMTA Sunshine Requests  
**Subject:** IMMEDIATE DISCLOSURE Public Records Request Under the Sunshine Ordinance

Pursuant to Article III of the San Francisco Sunshine Ordinance, I request the copies of all public records, whether in electronic form or otherwise, relating to steps taken to date by the City and County of San Francisco to comply with the requirements of SB 1303 to post photo enforced warning signs at all San Francisco intersections equipped with automated enforcement camera systems.

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If the records are available in electronic form, please email them to me no later than the close of business on the day following the date of this request. Please notify me before this deadline if you need a reasonable additional period of time within which to respond as allowed by the ordinance. I trust that the identity and contact information of the most knowledgeable person(s) regarding the subject matter of this request will be provided promptly.

Very truly yours,

David

**SFMTA** | Municipal Transportation Agency

*COPY*

**Transportation Engineering Work Order Form (10/09)**

To:  Supervisor, Curb Painting    Date: March 24, 2011    Log No. 11 3078  
 Manager, Meter Shop    From: Leanne Nhan *LN*    Phone: 701-4591  
 Manager, Paint Shop    Section: RLC Program    Section Head: Ricardo Olea *RO*  
 Manager, Sign Shop    Priority:  Routine    Other: \_\_\_\_\_

Charge Job No. 365061 for \$ \_\_\_\_\_ Resolution or Directive No. \_\_\_\_\_

Coordination required? Yes  If coordinated with the Signal Shop: SRC No. \_\_\_\_\_

Lead coordinator:  Curbs  Meters  Paint  Signs  Signals  Engineering

Location: Various - North & East Districts (Noel Laffey's Districts)  
 Subject: Install Red Light Camera Signs (SR56)

Please install one RLC sign (SR56) in advance at every approach to the intersections on the attached list. The 30" x 42" RLC sign for each approach can be placed anywhere preceding the limit line/crosswalk, preferably 100' or more in advance on the right side. If there is no suitable spot for posting sign in advance at a given location, please post at or near the intersection where it can be seen by approaching traffic.

North & East Locations:

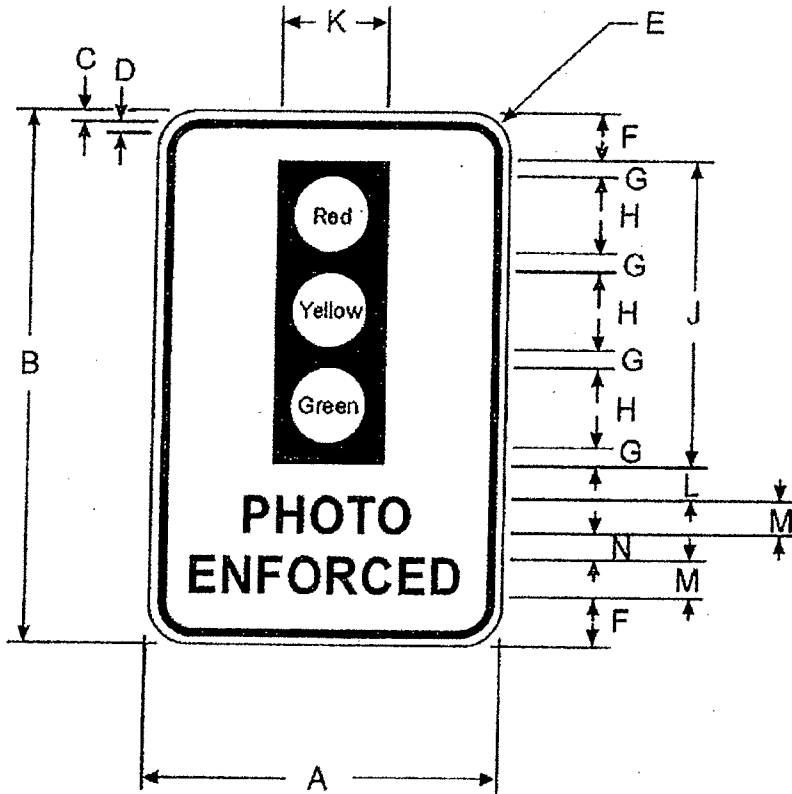
- |                        |   |                                |
|------------------------|---|--------------------------------|
| 1st & Folsom Streets   | 8th & Harrison Streets                  | Lyon Street & Marina Boulevard |
| 3rd & Harrison Streets | 9th & Howard Streets                    | Pine and Polk Streets          |
| 4th & Howard Streets   | 14th Street & South Van Ness Avenue     | Oak Street & Octavia Bouleva   |
| 5th & Harrison Streets | 15th & Mission Streets                  | Ellis and Larkin Streets       |
| 5th & Mission Streets  | Bush Street & Van Ness Avenue           |                                |
| 5th & Howard Streets   | Francisco Street & Richardson Boulevard |                                |
| 6th & Bryant Streets   | Franklin Street & Geary Boulevard       |                                |
| 7th & Mission Streets  | Hayes & Polk Streets                    |                                |

Attachments: SR56 Sign Specification 145

When completed notify: Leanne Nhan at 701-

**For Shop Use:** \_\_\_\_\_  
 Completed by: \_\_\_\_\_ Date completed: \_\_\_\_\_

Field checked by: \_\_\_\_\_ Date field checked: \_\_\_\_\_



SIGN SIZE	DIMENSIONS (Inches)												
	A	B	C	D	E	F	G	H	J	K	L	M	N
30 x 42	30	42	1/2	3/4	1-7/8	4	1-1/4	6	23	8-1/2	3	3D	2
36 x 54	36	54	5/8	7/8	2-1/4	5-1/4	1-1/2	8	30	11	3	4D	2-1/2
48 x 72	48	72	3/4	1-1/4	3	7	2	10	38	14	4	6D	4

**COLOR**  
**BORDER, LEGEND & SYMBOL - BLACK (Non-Reflective)**  
**SYMBOL CIRCLES - RED, YELLOW & GREEN (Reflective)**

• THE POLICY FOR INTENDED USAGE OF THIS SIGN IS SHOWN ON REVERSE SIDE •

North & East Locations
------------------------

1st & Folsom Streets
3rd & Harrison Streets
4th & Howard Streets
5th & Harrison Streets
5th & Mission Streets
5th & Howard Streets
6th & Bryant Streets
7th & Mission Streets
8th & Harrison Streets
9th & Howard Streets
14th Street & South Van Ness Avenue
15th & Mission Streets
Bush Street & Van Ness Avenue
Francisco Street & Richardson Boulevard
Franklin Street & Geary Boulevard
Hayes & Polk Streets
Lyon Street & Marina Boulevard
Pine and Polk Streets
Oak Street & Octavia Boulevard
Ellis and Larkin Streets



South & West Locations
------------------------

19th Avenue & Sloat Boulevard
-------------------------------

Fulton Street & Park Presidio Boulevard
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Geary & Park Presidio Boulevards
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Lake Street & Park Presidio Boulevard
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