

REQUEST FOR COUNCIL ACTION



CITY COUNCIL MEETING DATE:

MARCH 18, 2014

CLERK OF COUNCIL USE ONLY:

TITLE:

ALLOW REDFLEX TRAFFIC SYSTEMS CONTRACT TO EXPIRE IN JUNE 2015

APPROVED

- As Recommended
- As Amended
- Ordinance on 1st Reading
- Ordinance on 2nd Reading
- Implementing Resolution
- Set Public Hearing For _____

CITY MANAGER

CONTINUED TO _____

FILE NUMBER _____

RECOMMENDED ACTION

Direct staff to not exercise the available contract options with Redflex Traffic Systems for Automated Red Light Camera System and allow the contract to expire in June 2015.

DISCUSSION

The City's Automated Red Light Camera System (ARLCS) is operated by Redflex Traffic Systems and is scheduled to expire on June 21, 2015. Fifteen (15) intersections are covered by the existing contract. Chief Rojas has provided the attached memo outlining detailed information on the program, legislative updates, as well as revenue and expenditures for the past five years. The expense and revenue breakdown since FY 2008-09 is listed below. During this period, the net revenue impact is \$291,583, equivalent to \$58,316 annually.

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Fines Collected	\$ 1,241,015	\$ 1,308,608	\$ 1,836,005	\$ 1,636,212	\$ 2,541,745
Paid to Redflex	\$ 1,282,115	\$ 1,281,249	\$ 942,011	\$ 913,633	\$ 737,249
Attorney Fees	\$ -	\$ -	\$ -	\$ 24,055	\$ 68,035
Est. Personnel Costs	\$ 537,539	\$ 571,135	\$ 604,731	\$ 638,327	\$ 671,923
Net Revenues	\$ (578,639)	\$ (543,776)	\$ 289,263	\$ 60,197	\$ 1,064,538

Staff surveyed cities in Orange County to determine which agencies are utilizing ARLCS; Los Alamitos, Garden Grove, and Laguna Woods operate similar systems.

It is staff's recommendation that the City not exercise the options at the conclusion of the contract in 2015 for the following reasons: ARLCS revenues have had a minimal impact, of red light activations only 50% are submitted to the court, and legislative changes threaten the sustainability of ARLCS.

Upon expiration of the contract, Redflex would have sixty (60) days to remove the equipment and restore damaged infrastructure at its sole cost and expense. Should Redflex not remove or make the required restoration, the City would be able to remove the equipment and charge the company.

FISCAL IMPACT

There will be sufficient funds to meet the contract payments requirements through June 2015.

APPROVED AS TO FUNDS AND ACCOUNTS:



Francisco Gutierrez
Executive Director
Finance & Mgmt. Services Agency *FG*

Attachment: Memo from Interim Police Chief

MEMORANDUM



To: Chief Rojas via Chain of Command

Date: 2-12-14

From: Cmdr. Ibarra

Subject: Automated Red Light Camera System

Background

The Santa Ana Police Department has operated an Automated Red Light Camera System (ARCLS) since 2003 through Redflex Traffic Systems who provides equipment and support. There are 297 controlled intersections with tri-phase traffic signals throughout the city. The red light camera system operates at 15 intersections with a total of 20 approaches being monitored in various directions. The monitored intersections were selected based on volume, number of collisions and injuries, and overall pedestrian traffic. On an average day, over 1,850,000 vehicles travel through the 15 monitored intersections, making these intersections some of the busiest in the county. The most active intersection is 17th Street and Bristol Street, which averages approximately 172,000 vehicles per day.

A recent study suggests that traffic cameras change drivers' behavior, reduce crashes, and saves lives. In 2011, the Insurance Institute for Highway Safety (IIHS) concluded there was a 24% reduction in the number of fatal collisions in the 14 largest U.S. cities using photo enforcement cameras including reductions of 53% in Sacramento, 44% in Santa Ana, 62% in San Diego and 34% in Long Beach. The IIHS study also concluded 159 lives were saved in the 14 cities studied and 800 more lives could have been saved had every large city in the country used photo enforcement cameras.

Purpose and Effectiveness

The primary purpose of our red light camera program is safety. An internal study conducted by the Santa Ana Police Department's Traffic Division analyzed collisions involving red light violations from 2005 and 2009 and compared the current 15 photo enforced intersection with 15 other non-photo enforced intersections. The study found collisions were down 54% in 2009 compared to 2005, and injury collisions were down 77%. Within the two intersection groups, the study examined four categories: number of reported collisions, rear-end collisions, red light violation collisions, and number of injuries reported. Reported collisions were down at photo enforced intersection by 1% and up by 27% at non-photo enforced intersections. Rear-end collisions were down 2% at photo enforced intersections and up 32% at non-photo enforced intersections. Red light violation collisions were down at both groups, 54% at photo enforced intersections and down 16% at non-photo enforced intersections. At the photo enforced intersections, injuries were down by 77% and 1% at non-photo enforced intersections.

On average there are 4,000 red light activations captured by our system each month, but only 2,100 violations are submitted to the court. After a potential violation has been captured, the information is sent to Redflex in Phoenix, AZ. The citation is then processed in accordance with the guidelines established in our business rules. Many violations get rejected in this phase because of the established rules. For instance, we do not process incidents involving vehicles with paper plates, motorcyclists wearing full face helmets, drivers with the face more than ¾

hidden, activations which occur while police officers are conducting traffic control and activations which occur during inclement weather. If an incident clears the vendor it is then placed into a queue and a Santa Ana Police Officer examines the incident. The officer either accepts or rejects the incident based upon his/her judgment and application of the law. At this juncture, the officers reject many incidents if, in their opinion, they would not have issued a citation in the field. The officer often rejects incidents for reasons such as clarity of the picture, license plate is unclear, gender mismatch, invalid offense, safe turn on red, funeral procession, police controlled intersection, on or passed the limit line, unclear scene image, red-light not visible, sun glare or the driver is unidentifiable.

In FY 2011-12, 22,504 citations were filed with the courts and the department received \$1,636,212 in court fines. In FY 2012-13, 30,099 citations were filed and the department received \$2,541,745 in fines.

The total cost for a red light violation is \$490. State legislation sets a mandatory fee for a red light violation (CVC 21453a) at \$100 but additional pre-established "penalty and assessment" fees add an additional \$390. The City of Santa Ana receives \$153.71 for each violation, the County of Orange gets \$101.69 and \$234.60 goes to the State of California. These fees are not negotiable and cannot be adjusted.

Operational Considerations

Santa Ana experiences a significant increase in commuter traffic during the normal business week. With limited police resources, the system serves as a force multiplier to deal with serious traffic violations that present a danger to the public. Elimination of the Red Light Camera Program makes enforcement of red light violations more challenging and could potentially put the commuting public at greater risk.

Legislative / Legal Considerations

The most recent law to impact existing Automated Traffic Enforcement Systems was SB 1303, which was enacted on September 28, 2012. SB 1303 has two primary impacts: it addresses the admissibility of red-light camera-generated evidence and it adds certain requirements regarding the adoption of notices of non-liability, signage, and reporting on the effectiveness of Automated Traffic Enforcement Systems.

The impact on the admissibility of photo enforcement evidence was addressed in two parts of SB 1303. First, there is now a presumption of authenticity applied to photo enforcement evidence. This changes the existing Evidence Code Section 1552 and 1553 to create a presumption of authenticity for printed representation of computer information and a presumption of authenticity for "a printed representation of images stored on a video or digital medium." Secondly, SB 1303 clarifies that photo enforcement evidence is not hearsay. SB 1303 amends Vehicle Code Section 21455.5 to state – "the printed representation of computer-generated information, video, or photographic images stored by an automated traffic enforcement system does not constitute an out-of-custody hearsay statement by a declarant. This amendment should eliminate hearsay challenges.

The second impact of SB 1303 is the operational requirements. Those requirements include Notice of Non-Liability, additional requirements for operation of an Automated Traffic Enforcement System, and Reporting by Vendor. SB 1303 amends Vehicle Code Section 40518 to create a standard form “notice of non-liability” to be sent to the registered owner of a vehicle when the driver appears different from the registered owner. The additional operational requirements also created a uniformed guideline for the operation and established procedures to ensure compliance. Examples of this include posting signs within 200 feet of an operating photo enforced intersection, and the decision as to where to install a photo enforced intersection without considering revenue generation beyond that sufficient to cover operating costs. The Santa Ana Police Department’s Photo Enforcement System is in total compliance with all of these operating requirements.

SB 1303 also amends Vehicle Code Section 21455.5 to require photo enforcement vendors to submit an annual report to the Judicial Council that includes information readily available regarding the number of alleged violations captured, the number of citations issued, the number and percentage of citations dismissed by the court, and the number of traffic collisions at each intersection that occurred prior to and after the installation of a photo enforcement system. In conclusion, SB 1303 was a vote by the California Legislature in favor of Automated Traffic Enforcement Systems. The changes enacted by this legislation overrule several court decisions that are commonly used to challenge cases.

AB666 is a current bill in committee that will make a photo enforcement citation a civil offense and not a criminal offense. The bill has yet to determine the penalty if guilty or how DMV points will be assessed.

SB1362 (2010) would have changed the process by which the “nominations” were conducted. This would have resulted in the identification of fewer drivers, thereby reducing the number of violations we are able to file. Approximately one-third of our citations are completed through the “nomination” process, so it could have had a severe impact on revenues and the subsequent sustainability of the program. The bill passed the Senate on 06-01-2010 by a vote of 31-1 but stalled and was never enacted.

AB 909 passed the legislature on August 25, 2010, but then was vetoed on September 29, 2010 by Governor Schwarzenegger. The bill would have changed the penalty language of red light violations from “a fine of \$100” to “a fine not exceeding \$100,” thereby giving the court discretion to impose a lesser fine for these infractions.

Revenue and Expenses

FY 2008-09 through FY 2012-13

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
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The City Attorney's Office (CAO) outsourced attorney services related to the ARLCS in 2013. Although it is not quantified with a value under attorney fees, the CAO handled court appearances and other legal matters prior to 2013. They continue to handle court appearances for city records and certain legal matters.

Additional personnel were added in 2012 and 2013 to assist with the program. However, in 2014 the ARLCS was reorganized which allowed for a reduction in the amount of personnel necessary while still maintaining the same efficiency level. The anticipated annual personnel cost to operate the ARLCS in 2014 is approximately \$612,284.

Contractual Obligation

The current five year contract with Redflex expires on 6-21-15, but the department has the option for two-one year contract extensions. The contract obligates the department to pay \$78,000 a month for 20 approaches (\$3,900 each), and \$1,100 per month for data communication fees. In addition, the department pays approximately \$8,000 monthly in legal fees for prosecution.

Respectfully Submitted,

A handwritten signature in blue ink that reads "R. Ibarra". The signature is stylized with a long horizontal line extending to the right.

RUBEN IBARRA, Commander