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## Edmiston to Council: Temescal Cameras Legal

January 16, 2008

**Max Taves**, Staff Writer

In what might have been the most charged Community Council meeting in years, Joe **Edmiston** forcefully defended his decision to use two automated stop-sign cameras in **Temescal** Gateway Park.

A group of Palisades residents are critical of the Mountains Recreation and Conservation Authority, which began giving out tickets to stop-sign violators in **Temescal** and its parks at Franklin Canyon and Topanga Canyon in July. Those Palisadians accuse fellow resident **Edmiston**, the executive officer of the MRCA, of inflating the public safety risk in the quiet, tree-lined canyon, and violating state law to justify raising park revenue through \$100-per-ticket violations.

**Edmiston** shot back at those critics last Thursday night, repeatedly emphasizing that the decision was based solely on safety.

"I'm not going to be the one that they come up to at Gelson's after kids get mowed down going to the pool," **Edmiston** said, speaking to the Community Council. "You know that if there's an accident there, this council is going to call me here to explain. This is all about safety."

On more than one occasion during the council's meeting, **Edmiston** encouraged skeptical residents, like longtime critic Jack **Allen**, to sue the state's joint-powers authority.

"Sue us, Jack!" **Edmiston** yelled. "Sue us. Maybe the court will settle this clearly. This body doesn't have adjudicatory authority. It's not a court. I invite people to sue us!"

**Allen**, the former city attorney for Beverly Hills, has become the fiercest critic of **Edmiston**'s plan. He has dedicated hours researching the legal rationale for MRCA's cameras, and has even spent 10 hours with a radar gun counting park traffic and stop-sign violations. His conclusion? The MRCA has snubbed California law.

As previously reported, the state's Vehicle Code authorizes automated traffic enforcement at stop signals, not stop signs. That omission prohibits the MRCA from using cameras to issue tickets, according to **Allen**.

"This isn't a safety issue, and any argument based on that is meritless!" **Allen** said during a presentation he made to the council. "It's a rotten way to treat people who visit the canyon. There are countless cases that say you can't do this. I've done more research since the last time, and I'm more convinced now than ever."

**Edmiston** pointed to a loophole in the code that gives the MRCA the right to bypass the Vehicle Code.

"It's true that this isn't done according to the Vehicle Code and for a good reason!" **Edmiston** replied. "That is an internal road or driveway, not a state roadway. Your driveway is not subject to the Vehicle Code! Because this isn't a public road, we're held to a different standard."

**Allen** and other members asked **Edmiston** if this interpretation of the law was vetted by the state attorney general, who represents state agencies.

"We have gotten advice from the attorney general, not an opinion, which can take sometimes a couple of years," **Edmiston** said. "We've received the informal advice from the Land Law section [of the attorney general]."

**Edmiston** added that the MRCA's plan was reviewed by its two law firms. He also said that a certified traffic engineer studied the traffic flow there and recommended that the cameras would reduce liability. But few council members were convinced.

"There's stop signs throughout the city and as far as I know there aren't stop-sign cameras," said Harry Sondheim, a retired county prosecutor. "The city would be liable for all of them if your logic is carried [out]."

Said Mike Streyer: "The question is: Why don't we have these cameras everywhere?"

"Why is this a legal issue?" **Edmiston** asked the Council. "Why is this not a moral issue? to stop at a stop sign?"

"The answer is that in the United States we expect our law enforcement to uphold the law," replied Richard G. Cohen, who chaired the Council's meeting.

In the first three months of operation, the MRCA has ticketed more motorists in **Temescal** than in Franklin or Topanga Canyons. According to the most recent data from the MRCA provided to the Palisadian-Post, in an average day 18 motorists received tickets on average, that's six more motorists than at its other parks. Redflex Traffic Systems, Inc., the Australian company that owns and operates the cameras, receives 20 percent of the revenue collected from those tickets.

Because the MRCA is not following the Vehicle Code, the tickets are not part of a motorist's record and insurance companies are not notified.

"You're not doing the public any favors," **Allen** said to **Edmiston**. "If this is about safety, then these violators should go into the court system, and it should be reported to insurance companies."

At the request of council members and the Palisadian-Post, **Edmiston** said he would provide copies of the legal justification from MRCA's lawyers and the official traffic study that were not considered confidential information by "attorney-client privilege."

As of press time, neither the council nor the Post has received either of these documents. But community leaders are not likely to take no for an answer.

"We are entitled to see any traffic engineering studies demonstrating the necessity of photo enforcement in the park," wrote Cohen, vice-chair of the council. "Furthermore, the introduction of this previously unseen enforcement technology in our community, apparently in violation of California Vehicle Code pre-emption, should be fully explained and legally justified."

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