



REPORT SECTION  
FREMONT CITY COUNCIL  
REGULAR MEETING

JUNE 1, 2010

**\*2.6 NEW CONTRACT FOR AUTOMATED RED LIGHT ENFORCEMENT PROGRAM  
Public Hearing to Re-Authorize Use of Automated Enforcement Red-light System and  
Authorize City Manager to Execute Contract with Vendor**

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**Executive Summary:** In August 1999, the City of Fremont signed a contract with Redflex Traffic Systems, Inc. (RTS), to provide equipment and support services for an automated red-light enforcement program. The goal of the program was to address a 31% increase in red-light-related traffic collisions, while at the same time take advantage of developing technology to enforce red-light violations.

The initial contract with RTS provided the ability for the City to install up to ten automated red-light cameras; however, during the first year of the contract, only three intersections were installed. Since the first installations in 2000, staff has been cautious in the planned expansion of automated red-light intersections in an attempt to address staffing needs and public perception. From 2000 to 2004, six additional intersections were installed. In 2005, the City negotiated a subsequent five-year contract with RTS to provide automated red-light enforcement with an option to add additional intersections. Currently, there are a total of ten intersections throughout the city that are equipped to automatically detect red-light violations. The contract term is seven years, with three one-year extensions, subject to satisfactory performance.

The current contract with RTS is scheduled to expire on June 30, 2010, and staff has negotiated a new contract with RTS. The details of the new contract include a seven-year term, a reduction of over 15% in fees paid to RTS, and a complete replacement and upgrade of cameras, video technology and system-related equipment.

**BACKGROUND:**

**Program Creation:** Between 1995 and 1998, the City experienced a 31% increase in red-light-related collisions. To address this concern, the City implemented an Automated Red-light Enforcement Program in August 2000, and contracted with Redflex Traffic Systems, Inc. (RTS), to provide equipment and support services for the program. In the same year, the Police Department added the position of Traffic Project Manager to implement and manage the program. Several years after the implementation of the red-light program, the Traffic Project Manager position was eliminated, and the program was aligned with the Community Engagement Unit, managed by the Community Engagement Manager (MA II). Revenue from the red-light program supports 50% of the Management Analyst II position, 80% of a Community Service Officer, and 100% of a part-time employee.

Over the past ten years, the goal of the program has been to reduce the number of red-light-related collisions while providing a fairly low-cost traffic safety enforcement protection program to residents, commuters, and visitors driving throughout the City. In response to the goal, the program has captured

more than 121,000 red-light incidents and has assisted in reducing the number of red-light-related collisions significantly within the City of Fremont. This fact is significant since these violations originate from controlled signals that represent 5% of the approximately 200 signals within Fremont.

Under the 2005 agreement with RTS, 10 automated enforcement systems are currently installed in locations throughout the City. Staff selected the locations, listed below, based on collision rates, high traffic volume, and citizen and police complaints.

Current Red-light Camera Intersections				
East Mowry at Fremont - Left turns - Straight	East Mowry at Blacow - Straight	West Mowry at Farwell - Straight	South Mission at Mohave - Straight - Right - Left	East Decoto at Paseo Padre - Straight
West Decoto at Fremont - Straight	North Mission at Warm Springs - Straight	East Stevenson at Blacow - Straight - Right	West AutoMall at Grimmer - Straight	West AutoMall at Fremont - Straight - Right

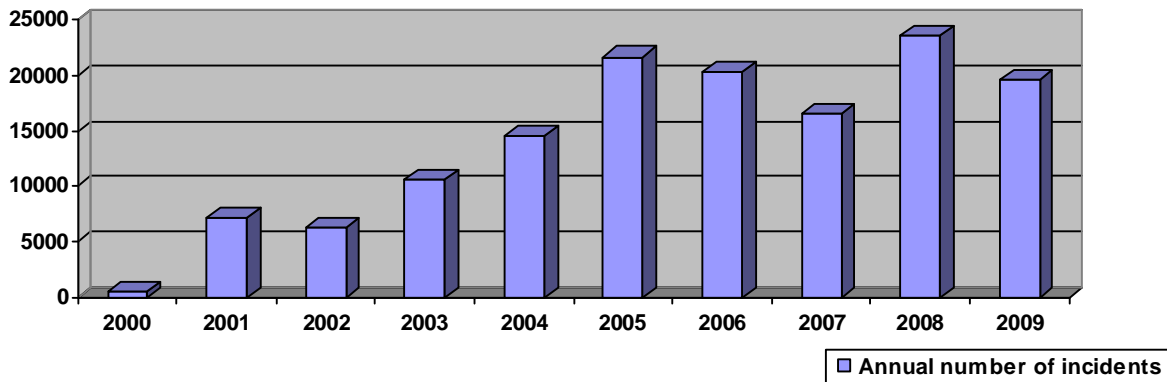
**Program Performance:** In 2009, the automated enforcement camera systems captured over 19,500 red-light violations, resulting in 10,516 citations being issued. The difference between the number of incidents captured and citations issued is due to “police rejects” (emergency vehicles, funeral processions, obstructed license plates, etc.), camera malfunctions, and weather issues (sun glare). By comparison, during the 2009 calendar year, the total number of non-automated red-light violations viewed and issued by Police Department employees was 319. Due to staffing and safety issues, it is very difficult for police officers to enforce red-light violations. Since implementing the program in 2000, the City has recorded a 40% decrease in traffic-signal-related collisions city-wide. The chart below compares collisions on a city-wide level five years prior to implementing an automated red-light program and the most recent five years with a red-light program.

Collision Statistic Comparison

	<b>Total Collisions</b>	<b>Injury Collisions</b>	<b>Fatal Collisions</b>	<b>Traffic- Signal-Related</b>
<b>07/01/95 – 06/30/00</b>	9155	4601	31	734
<b>01/01/05 – 12/31/09</b>	3899	3233	26	441

When first implemented, it was staff’s opinion that the number of citations issued would drop significantly after the first two years due to heightened public awareness; in reality, the number of citations appears to have remained fairly consistent. Staff believes the steady number of citations issued is due to an increase in population, commute patterns, and new automated red-light intersections being installed.

The next chart shows the trend in citations over the first ten years of the program. Citation increases in 2005 and 2008 represent years when the cameras were upgraded with new technology and new intersections were installed.



The ten RTS-equipped intersections detect on average over 1,600 violations per month. Camera systems can capture up to four lanes of contiguous traffic. All ten of the current intersections detect “straight through” violations. In addition, three capture right turns and two capture left turns. The South Mission Boulevard at Mohave Road installation is the only approach that captures all three directions of travel.

Right-turn violations have become a topic of interest over the last several years, especially as more cities establish automated enforcement programs and mandated fees continue to increase. It appears many drivers do not realize they are required to make a full and complete stop prior to making a right turn if the light is red. Many drivers believe that a “Hollywood Stop”, or slowing as they make a right turn, is legal; however, the California Vehicle Code specifically requires a driver to stop before proceeding with a right turn when facing a red signal. It should be noted that the City’s RTS system is designed to detect

violators who are travelling at least 12 miles per hour. This is what is called a threshold speed, meaning that the vehicle is going fast enough to assume it will not stop at the limit line. Most of the right-turn violations capture vehicles approaching the intersection at a speed greater than 15 mph. Although these so-called “Hollywood Stops” are illegal, if the vehicle speed is less than the set threshold speed, the system will not capture the violation. In addition, staff reviews all incidents captured to confirm a violation occurred before issuing a citation. In reviewing right-turn violations, staff has observed occasional near collisions between motorists making right turns without stopping and pedestrians and bicyclists attempting to cross the street in a crosswalk.

**DISCUSSION/ANALYSIS:** RTS currently owns and maintains the existing automated enforcement camera systems at all locations within the City of Fremont. The value of the equipment and infrastructure is estimated to be over \$1 million. RTS also has exclusive knowledge, possession, and ownership of certain equipment, licenses, applications, and citation processes related to the digital red-light photo enforcement cameras and program in Fremont. Maintaining consistency with RTS as the City’s vendor is vital for the on-going success of the program and the ability to continue with an automated red-light program without significant delay and interruption.

At the time the City’s implemented the first agreement, RTS was one of only a few vendors in California providing automated enforcement systems for capturing red-light violations. Over the last several years, many new vendors have entered the automated enforcement business; however, staff estimates it would take at least one year to seek a new vendor, get new equipment and technology in place, and set up a compatible citation-receiving system within the Fremont Superior Court. In addition, the time and costs associated with the City’s Engineering Division to review and approve construction plans and permits is estimated to be \$50,000. The Fremont Superior Court is familiar with the technology and citation-issuing program that RTS uses and has devoted substantial resources to integrate the two systems. The court currently supports seven agencies in Alameda County with automated collection programs that are directly linked to RTS, the only vendor currently accepted by the Court. A change in vendor would significantly disrupt and delay court proceedings. Upon reviewing the services, technology, and time and cost that would be associated with obtaining a new vendor, it is more beneficial for the City to execute a new sole-source contract with the current vendor than to introduce a new vendor into the Alameda Superior Court system.

The Automated Red-light Enforcement Program is governed by California Vehicle Code § 21455.5, 21455.6, 21455.7, and 40520. In January 2004, Assembly Bill 1022 (AB 1022) made significant changes to the Vehicle Code sections regulating automated enforcement red-light systems. One of the most significant statute requirements is that the City Council must conduct a public hearing on the proposed use of an automated enforcement system before authorizing the City Manager to enter into a contract for the use of the system. The legislation states that it is the City’s obligation to maintain overall control and supervision of the program. Staff has always and will continue to do the following:

- Select the specific location of each system in place;
- Regularly inspect and maintain the warning signs at all entrances to the City;
- Oversee the established industry standard of signal phases and timing;
- Complete a 30-day warning period and publicity campaign prior to the addition of any new approach;
- Determine the criteria for screening and issuing violations; and

- Under this new agreement, will continue to maintain control over these specific areas of the program and any new areas that may arise due to future legislative changes to the statute.

The current fine for red-light violations in Alameda County is \$436. Over the last five years, the fine has increased 18%. The fine is set by the State Judicial Council, and the City does not control the State-mandated fee. The fee breakdown for a red-light violation is as follows:

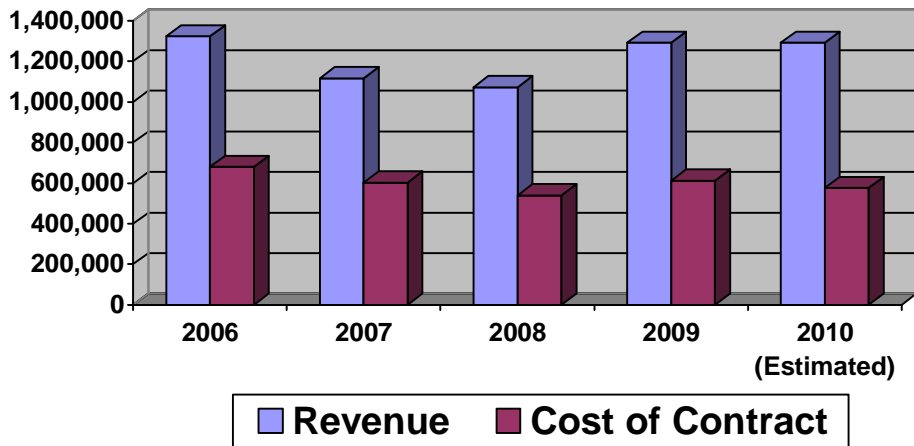
Base Fine	\$100
Penalty Assessment	\$220
State Facility Construction Fund	\$20
Night Court	\$1
DMV	\$10
Criminal Surcharge	\$20
Criminal Conviction Assessment	\$35
<u>Court Security Fee</u>	<u>\$30</u>
Total	\$436

Additional fees are added by the court if the defendant has prior traffic-related convictions or wants to attend traffic school. The City’s share for a fully paid citation is \$160.03. State legislation does not give cities the authority to issue civil remedies (municipal code violations) for red-light violations, or any other moving violation, in-lieu of a Vehicle Code violation; therefore, staff cannot re-design the program to reduce fines. While the increased fine has modestly benefited the program financially, staff has seen an increase in the number of court subpoenas requiring a Police Department employee to testify on the citation. On average, staff attends 10-15 traffic court hearings each week, representing about 5% of the total citations issued.

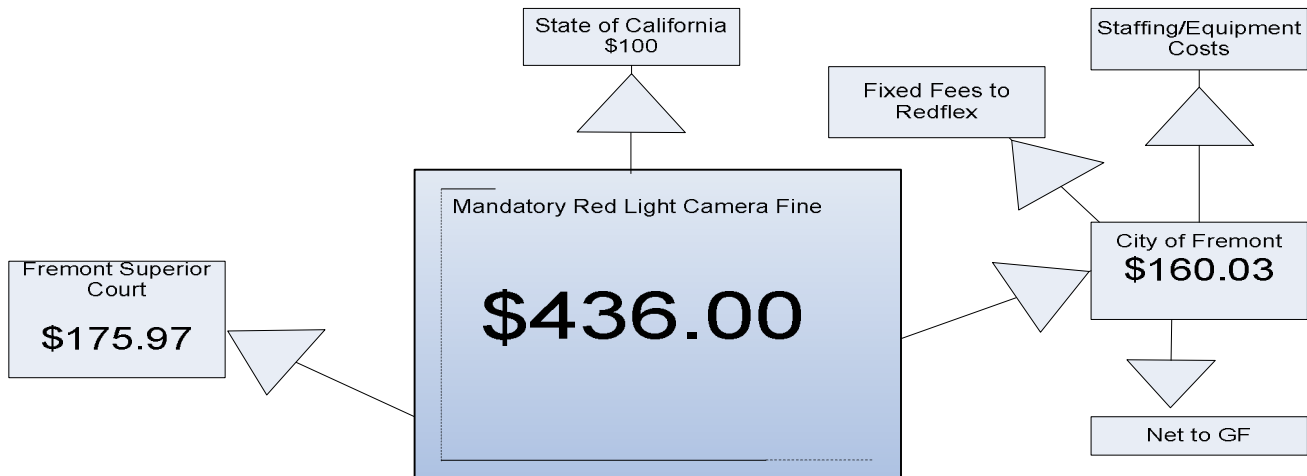
**PROPOSED NEW SEVEN-YEAR CONTRACT:** Under the proposed agreement, RTS will provide a full-system upgrade and replacement of all video and video-related equipment at the time of renewal, estimated at a value of \$300,000. In addition, the City will have an option to install up to five additional intersection approaches (to be selected by staff) during the term of the agreement. The compensation structure of the new agreement will be similar to the 2005 agreement, but will have substantial savings in the monthly fees. Under the proposed new agreement, the City would pay a fixed fee of \$4,800 per month for each of the existing ten approaches. This new pricing represents a reduction from the current agreement of \$8,622 a month (\$103,464 a year), and approximately \$724,248 over the life of the contract. The monthly fee for any additional approaches would be \$5,870 per approach. The agreement includes an annual CPI increase on the anniversary of the contract (SF-Oakland Bay Area, April to April average) after the first year. The proposed contract would include a termination-for-convenience clause which may be exercised at any time by either party during the term of the contract. In addition, the contract provides for three optional one-year extensions based on satisfactory performance by the vendor.

The following chart represents the comparison of red-light-camera-related fines and the associated fixed costs paid to RTS over the past five years. The reduction of fees in year 2010 is based on the proposed seven-year contract with Redflex, which includes a 15% fee reduction.

### Revenue versus Fixed Fees



**FISCAL IMPACT:** The Automated Red-light Enforcement Program generates adequate fine revenue for the Police Department to support program expenses. The fine for a red-light violation is currently \$436. Of this amount, the City receives \$160.03, the Fremont Superior Court receives and distributes \$175.97, and the State of California receives \$100. If the court reduces the State-mandated fee or allows community service in-lieu of a fee, the City’s portion is reduced, or eliminated, accordingly. The distribution of fines is depicted below:



Because the Automated Red-light Enforcement Program is cost-covering, there is no added General Fund burden associated with the contract. In fact, as stated above, there should be a reduction of over \$724,248 in fees paid to RTS over the seven-year term of this contract.

Due to increased workload of maintaining the program, issuing citations, increased number of court subpoenas, responding to citizens’ inquiries, and legal challenges, staff is recommending a portion of the anticipated fee savings be used to expand the part-time temporary staff in the program, as well as purchase one-time equipment upgrades. This increase in staffing and equipment will become even more

imperative if there is any desire to expand the program beyond its current status. The cost is estimated to be an additional \$27,000 annually for additional part-time staffing costs. The estimated cost for one-time equipment purchases and upgrades is \$10,000. The requested equipment purchases include a new desk top computer, a lap top computer, and an additional high-speed internet access point. The reduction in fees to RTS will provide enough revenue to pay for the additional staff and equipment costs.

**ENVIRONMENTAL REVIEW:** None.

**ENCLOSURE:** None.

**RECOMMENDATION:** Authorize the City Manager or his designee to execute a new contract with Redflex Traffic Systems, Inc., to provide maintenance and service for the existing ten automated enforcement systems and installation of up to five additional new systems to be implemented over the seven-year term of the contract. Authorize the City Manager or his designee to exercise up the three one-year extensions of the contract, subject to satisfactory performance by the vendor.