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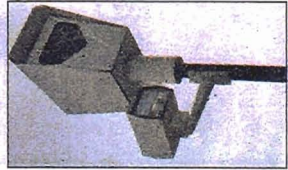
Daily Post

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Suit filed over red-light cams

BY DAVID DeBOLT
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A class action lawsuit was filed yesterday in San Mateo County Superior Court against two red-light camera companies operating on the Peninsula with the intent of offering a final blow to the controversial devices.



A RED-LIGHT CAM

Class action status sought

And the plaintiff is a Palo Alto lawyer who got a \$346 ticket in Menlo Park.

The suit brought against red-light operators Redflex and American Traffic Solutions alleges a clause in contracts with

59 cities in the state, including five in San Mateo County, violates state law.

It asks that Redflex and American Traffic Solutions, the two companies that operate red-light cameras on behalf

of city governments, be required to reimburse motorists who paid fines issued by cities with contracts that contain the clause in question.

San Mateo lawyer Frank Iwama, who helped draft the lawsuit, said he also wants the Department of Motor Vehicles

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IWAMA

SUIT

to remove points that have been added to motorists' driving as a result of a red-light ticket.

"That contract was illegal from day one," said Iwama. "They should have never been charged to begin with."

The suit represents the most significant opposition to red-light cameras since they began popping up all over the state.

The devices have come under fire on the Peninsula, where drivers have scorned the hefty fines, which can reach \$500 and court officials have complained tickets generated by the cameras overwhelm the justice system.

'Cost-neutrality' clause

The cameras have created headaches for some cities, including San Carlos, which refunded fines of some 400 motorists after it was discovered the yellow light at the intersection with a red-light camera was shorter than suggested by federal guidelines.

Menlo Park, Millbrae, Daly City, Redwood City, and San Mateo are among the 59 cities statewide that are listed as having the controversial clause, known as the "cost-neutrality" clause. San Mateo has since removed the clause from its contract.

While the cities approved the installation of red-light cameras, Iwama said he isn't suing them because they are facing growing deficits.

The lawsuit was filed yesterday by Bruce Simon, a San Francisco-based lawyer, who worked with Iwama and the plaintiff, S.D. Jadeja, a Palo Alto resident.

For Iwama, the lawsuit has been a long time coming. Iwama made headlines last year after representing retired KGO-TV photographer Al Bullock, a Belmont resident who fought a ticket he got in San Mateo.

Winning streak

Iwama argued the "cost-neutrality" clause violated state law because it guarantees cities won't have to pay the red-light camera operator if fines generated by the cameras don't exceed the monthly fee. After the Bullock case, Iwama won more than a dozen similar cases in San Mateo County.

In the suit, San Mateo and Menlo Park are referenced heavily. Both cities pay a monthly fee to Redflex of about \$6,000, but the suit says they were given discounts on months where revenue from the cameras were low.

The suit also references a San Mateo County civil grand jury report, which recommended cities should only use red-light cameras to try to reduce traffic accidents, and never merely to raise revenue.

The grand jury noted, "Most cities are protected from losses by a 'cost neutral' clause in their contracts."

The plaintiff, Jadeja, didn't make himself available for comment yesterday. Jadeja got his ticket on Aug. 30, 2009, while driving on El Camino Real and Ravenswood Avenue in Menlo Park. He paid his fine of \$346 in October of 2009.