



# City Council Memorandum

City of Arts & Innovation

**TO: HONORABLE MAYOR AND CITY COUNCIL**      **DATE: February 26, 2013**  
**FROM: PUBLIC WORKS DEPARTMENT**      **ITEM NO: 1**  
**POLICE DEPARTMENT**      **WARDS: ALL**  
**SUBJECT: PHOTO RED LIGHT CAMERA ENFORCEMENT PROGRAM UPDATE**

**ISSUES:**

The issues for City Council consideration are to receive an update on the Photo Red Light Camera Enforcement Program and to decide if the proposed June 2013 ballot measure should proceed or be postponed until the courts opine whether a ballot measure on red light camera enforcement is preempted by state law.

**RECOMMENDATION:**

That the City Council receive the Photo Red Light Camera Enforcement Program Update and postpone the proposed June 2013 ballot measure on the use of photo red light camera enforcement until the courts can rule on the validity of such measures.

**BACKGROUND:**

On July 10, 2012, the City Council considered a unanimous recommendation from the Public Safety Committee to discontinue the Photo Red Light Camera Enforcement Program due to; (1) a request by Caltrans to remove the five cameras in their right of way, (2) a request by Moreno Valley to remove the camera at the shared intersection of Day Street and Canyon Springs Parkway, and (3) the projected \$611,000 general fund subsidy required to continue the 21 intersection 30 camera program. After discussion, the City Council approved a substitute motion providing 60 days to make the Photo Red Light Camera Enforcement Program cost neutral.

Following the July 10, 2012 City Council meeting, the City obtained Caltrans approval to continue the use of photo red light camera enforcement in Caltrans rights of way, removed the camera at the intersection of Day Street and Canyon Springs Parkway, and removed 11 cameras at intersection approaches with low accident rates and less than one activation per day. These administrative changes to the program eliminated the projected deficit and made the program cost neutral.

On October 2, 2012, City Council received an update outlining the changes to the program and after discussion, approved a substitute motion to; (1) continue the current Photo Red Light Camera Enforcement Program and test other possibilities that would make the program safer until an alternative is found, and (2) present a ballot measure to the voters in June 2013 allowing the voters to decide if the use of photo red light camera enforcement should continue.

Currently the Photo Red Light Camera Enforcement Program consists of 18 cameras at 15 intersections throughout the City (Attachment 1). However, due to the on-going construction of the SR 91 HOV Lane Project, the SB camera at the intersection of Mulberry Street and Fourteenth Street has been turned off until construction in the vicinity is complete. Due to the construction, staff estimates that two cameras at the intersection of Arlington Avenue and Indiana Avenue will be temporarily removed by the end of February 2013.

After six years of operation, the City is continuing to see a reduction in the number of violations captured at the monitored intersections. Between 2010 and 2012 there was a 6% reduction in the number of violations captured when evaluating the active intersections. Additionally, intersections equipped with photo red light enforcement cameras, as well as intersections city-wide, have maintained a reduced level of accidents of all types. Broadside accidents, which typically result in serious injuries, have decreased by approximately 46% over the life of the program.

Increasing safety is the goal of the Photo Red Light Camera Enforcement Program. Concerns have been raised that the use of photo red light enforcement cameras may increase rear end accidents as motorist may prematurely or unexpectedly stop upon display of the yellow light. However, Riverside intersections equipped with photo enforcement cameras have seen a 36% decrease in rear-end accidents between 2006 and 2012.

Even with the decrease in rear-end accidents, the Public Works Department examined extending the duration of yellow intervals to determine if safety would be increased. Lengthening of the yellow interval has been suggested as a possible approach to reducing the likelihood of rear-end accidents. One second was added to the yellow intervals of two camera monitored intersections in December 2007. No significant decrease in red light running violations or rear-end accidents were found when comparing data from before and after the additional time was added. Additionally, increasing the duration of the yellow interval at only intersections equipped with photo red light cameras eliminates uniformity in traffic control devices, which is a primary goal in traffic management.

#### Proposed Ballot Measure

In 2012, the residents of Murrieta petitioned to place Measure N on the November 2012 Consolidated Presidential General Election to prohibit the use of photo red light enforcement cameras in Murrieta. The measure was challenged in court. The trial judge ruled that the Murrieta initiative (Murrieta Prohibition of Automated Traffic Enforcement Systems Act) was beyond the power of the voters because traffic regulation is a matter of statewide concern and the Legislature has specifically delegated the regulation of automated traffic enforcement systems (also known as red light enforcement cameras) to city councils. Vehicle Code section 21455.6 specifically authorizes city councils to enter into a contract for such a system. The court concluded that such a delegation therefore precludes the municipal electorate from using the initiative and referendum process to authorize or prohibit photo red light enforcement cameras.

The Court of Appeal then stayed the trial court's order and allowed the measure to go to the ballot where it was approved by the voters. The Court of Appeal did not rule on the principal issue of state preemption or otherwise comment on the correctness of the trial court's conclusion. Rather, the court deferred judicial resolution until after the election when there will be more time for full briefing and deliberation.

A decision is not expected to be issued until April or May 2013. If the trial court holds firm on its initial decision, the case would then proceed to the Court of Appeal.

Since the City Council retains the unquestioned state-conferred legislative authority to continue or terminate the Photo Red Light Camera Enforcement Program at any time, it may be advisable to defer any ballot measure on the program until the legal issue of state preemption has been decided.

Therefore it is recommended that the City Council postpone the ballot measure requested for the June 2013 pending resolution of legal issue of state preemption.

**FISCAL IMPACT:**

The adopted Fiscal Year 2012/13 budget included estimated expenditures of \$2,129,659 and estimated revenues of \$1,518,750 with, which resulted in a \$611,000 deficit for the Photo Red Light Camera Enforcement Program. The administrative changes to the program have eliminated this deficit. The program is also projected to remain revenue neutral or positive in fiscal year 2013/14.

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## Photo Red Light Camera Enforcement – Current Intersections

Intersection		# of Cameras	Approach
Tyler Street	WB 91 FWY Ramps	1	SB
Indiana Avenue	Tyler Street	1	WB
Chicago Avenue	MLK Boulevard	1	NB
Van Buren Boulevard	Indiana Avenue	2	NB, EB
Indiana Avenue	Arlington Avenue	2	NB
Mulberry Street	14 <sup>th</sup> Street	2	SB, EB
Columbia Avenue	Main Street	1	WB
Van Buren Boulevard	Dufferin Avenue	1	NB
Alessandro Boulevard	Sycamore Canyon	1	WB
Iowa Avenue	University Avenue	1	SB
Chicago Avenue	Third Street	1	NB
Magnolia Avenue	Tyler Street	1	WB
Chicago Avenue	Alessandro Boulevard	1	WB
Van Buren Boulevard	Wood Road	1	EB
Arlington Avenue	Van Buren Boulevard	1	EB