

CITY OF SAN MATEO
Regular Meeting Agenda
July 15, 2019
7:00 PM



City Hall Council Chamber
330 W. 20th Avenue
San Mateo CA 94403

COUNCIL MEMBERS
Diane Papan, Mayor
Maureen Freschet, Deputy Mayor
Rick Bonilla
Joe Goethals
Eric Rodriguez

AGENDA ITEM

21. Automated Traffic Enforcement Program – Agreement Termination

Adopt a Resolution to terminate the agreement with Redflex Traffic Systems, Inc. for the automated traffic enforcement program and terminate the agreement with the City of Millbrae for the provision of automated photo enforcement services.

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Agenda Report

Agenda Number: 21

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: City Manager's Office
MEETING DATE: July 15, 2019
SUBJECT:
Automated Traffic Enforcement Program – Agreement Termination

RECOMMENDATION:

Adopt a Resolution to terminate the agreement with Redflex Traffic Systems, Inc. for the automated traffic enforcement program and terminate the agreement with the City of Millbrae for the provision of automated photo enforcement services.

BACKGROUND:

The City of San Mateo has utilized an automated traffic enforcement system since May of 2005. Automated enforcement equipment is currently installed at three intersections, providing enforcement for five directions of travel. Each direction of travel is referred to as an "approach." The City began issuing citations for each approach on the dates shown below:

Southbound Saratoga Dr. & E. Hillsdale Blvd.	5/23/2005
Eastbound E. Hillsdale Blvd. & Saratoga Dr.	5/20/2005
Eastbound E. Hillsdale Blvd. & S. Norfolk St.	9/1/2005
Westbound E. Hillsdale Blvd. & S. Norfolk St.	9/1/2005
Eastbound E. Fourth Ave. & S. Humboldt St.	12/1/2006

In late May 2019, staff was alerted to an error in the yellow light timing at the Southbound Saratoga Dr. and E. Hillsdale Blvd. approach. The yellow light interval for this approach was accidentally altered as a result of a construction project that required the removal of a pedestrian phase and revisions to the timing plan at the intersection. It was identified that the yellow light timing for this approach was out of compliance by 0.2 seconds from December 4, 2018 to May 20, 2019.

The Manual on Uniform Traffic Control Devices establishes the guidelines cities must comply with for setting the minimum yellow light interval times. Upon learning of the discrepancy, the yellow light interval timing at this approach was immediately corrected by the Public Works Department; however, this error raised some concern from staff regarding the accuracy of the other intersections and an immediate audit and suspension of the program was initiated citywide. While the audit revealed no other errors, staff recognized a need to reevaluate the program and its efficacy based on the increasing complexities of state and judicial regulations for automated photo enforcement, as well as the increasing need for administration and oversight of the program. During this review time, staff has concluded that the effectiveness of the program has decreased over time and that the public safety benefit is not significantly impacted by this labor-intensive and complicated program.

Program History

Redflex Traffic Systems has been the sole provider of red light photo enforcement services within the City of San Mateo since the program's inception. The locations where the cameras are installed were selected based on a variety of concerns including, but not limited to, collision and safety data, amount of violations at the intersections, complaints from the public, and the ability of officers to safely conduct enforcement activities. The City pays Redflex a fixed contracted fee of \$239,100 annually for administration and equipment. This fee is not based on the number of citations, nor the amount of fines generated.

The objective of the automated enforcement program has always been to reduce the number of red light collisions and violations occurring, and to increase driver awareness of the hazards associated with unsafe driving in and around signal-controlled intersections. The program was meant as a tool to bring about comprehensive behavior modification and ultimately enhance overall traffic safety. The program produced a steady and marked decline when it was launched and saw continued decline in violations for the first five years. Over time, however, the reduction in violations plateaued, and the program is no longer generating a significant reduction in violations at the automated enforcement intersections. The automated photo enforcement locations are no longer meeting our goals of reducing violations and improving driver behavior, thus we are seeing diminished public safety benefit from the program.

Photo Enforcement Effectiveness - Collisions

Prior to the introduction of automated enforcement, in November 2003 staff reported 139 red light collisions between January 2000 and September 2003. This equates to an average of 3 collisions per month. Collision data subsequent to the implementation of the automated photo enforcement program is depicted in Table 1, and illustrates that the neither the number of total collisions, number of red light collisions, nor the number of collisions occurring at the three photo enforced intersections have changed significantly over time. Between January 2006 and December 2018, there were 323 red light collisions citywide, equating to an average of 2.5 red light collisions per month.

Year	Citywide Collisions		Number of Red Light Collisions		
	Total	Red Light	Saratoga & E. Hillsdale	Norfolk & E. Hillsdale	4 th & Humboldt
2006	657	19	-	-	-
2007	680	36	-	1	2
2008	633	25	1	-	-
2009	474	18	-	-	-
2010	574	24	-	-	1
2011	664	34	-	-	-
2012	710	29	-	1	1
2013	684	26	1	-	1
2014	720	28	-	-	3
2015	747	31	-	1	-
2016	683	20	1	1	-
2017	641	13	-	-	-
2018	666	20	2	2	1
TOTAL	8,533	323	5	6	9

Photo Enforcement Effectiveness - Violations

Collisions are not the only measure of effectiveness, as each violation represents a potential collision. It was anticipated that the volume of violations would continue to reduce at the automated enforcement intersections, once drivers became aware of the program and changed their behavior. While this did happen initially, with violations decreasing in excess of 25% over the first five years, the violation rate plateaued and then started to increase again.

Table 2 illustrates violation history. The number of total processed incidents reflects the number of events captured by the system that are believed to be a violation. The number of incidents has fluctuated from year to year but after the first five years of reductions, it has leveled off and started to increase over time.

Table 2 – Total Number of Processed Incidents													
Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Qty.	15,898	14,214	13,370	10,914	11,797	11,692	12,532	11,728	11,804	14,209	15,717	16,115	18,133

Citation Process and Enforcement Rates

The law strictly regulates automatic photo enforcement programs. Due to the various legal requirements, the process of issuing citations has become increasingly complex and demanding of staff time and resources. California Vehicle Code (CVC) §40518 et seq. and CVC §23 set standards that enforcement staff must positively identify offenders, process the violation, and deliver notification by mail of the incident within fifteen (15) calendar days of the violation. These regulations severely diminish enforcement personnel’s ability to identify some of the more complicated violation scenarios, which require additional time to investigate. The result of these regulatory changes is that a complex investigative effort must be completed to identify the driver, that, when coupled with the very strict legal time limits, have stymied our ability to hold drivers accountable.

Our law enforcement personnel were only able to issue citations to 23% of the system’s captured incidents in 2018. As shown in Table 3, over the last 6 years citations have only been issued for an average of 29% of all processed incidents.

Table 3 – Number of Citations issued			
Year	Total Processed Incidents	Citations Filed	% of Total
2013	11,728	5,423	46%
2014	11,804	4,462	38%
2015	14,209	4,790	34%
2016	15,717	3,232	21%
2017	16,115	4,812	24%
2018	18,133	4,989	23%

Other Considerations

Automated traffic enforcement is a labor intensive and complicated program. The administrative responsibilities are numerous and in some instances, burdensome. The program employs a full-time civilian Traffic Enforcement Coordinator whose duties include reviewing violations, preparing documentation for court, court appearances, answering written and telephone questions, violation nominations, requests for appointments to view violation videos, and follow up to letters of inquiry and correspondence from the court. Staff also responds to requests for informal discovery from attorneys or violators. Compiling evidentiary packets requires significant staff time. In addition to the full-time civilian employee, the program is also augmented by several per diem staff.

Oversight is provided by the Traffic Division of the Police Department, which is currently strapped for resources. The lone Traffic Sergeant who oversees the program estimates spending approximately 1/3 of his time responding to citizen complaints and fulfilling requests for discovery and public records related to the automated enforcement program. This is not the optimal utilization of the Police Department’s traffic resources, as residents of our neighborhoods are seeking assistance with numerous competing issues related to traffic and parking.

Staff has concluded that we are at a point where the ends simply do not justify the means and have come to the determination that the overall public and traffic safety is not impacted significantly enough by this labor-intensive and complicated program to sustain automated traffic enforcement in the City of San Mateo.

Technological Challenges

The automatic photo enforcement program is overseen by the Police Department and supported by the Public Works Department, who ensures the City remains in compliance with the Manual on Uniform Traffic Control Devices (MUTCD), which defines the standards used by traffic engineers nationwide to install and maintain traffic control devices on all public streets and highways.

In October 2015, Public Works staff discovered the MUTCD changed the requirements for minimum yellow light timing intervals standards for intersections with automated photo enforcement. This change went into effect in August 2015; however, City did not meet the minimum yellow light interval time requirements for 2 ½ months past the deadline, resulting in the dismissal of approximately 900 citations.

In late May 2019, staff became aware that on December 4, 2018, the yellow light timing for the approach on southbound Saratoga Dr. and E. Hillsdale Blvd. became out of compliance by 0.2 seconds with the MUTCD's minimum yellow light interval time. The MUTCD's minimum yellow light time for this intersection is 3.6 seconds and an incorrect time had been mistakenly set to 3.4 seconds during a construction project at the intersection. The yellow light timing interval was immediately corrected on May 20, 2019. During the period where the yellow light timing was out of compliance, 985 citations were issued for this approach. Although a small minority of these citations (14) were issued as a result of the 0.2 seconds yellow light interval time error, the law requires that any citations issued from a compromised approach be dismissed. As a result, all citations issued from this approach between 12/4/2018 through 5/20/2019 will be dismissed, and refunds will be issued to those drivers who have already paid for a citation that originated from this approach during that timeframe.

Although the two occurrences of yellow light timing errors are distinctly different, staff believes operating a technical and highly sophisticated automatic photo enforcement system with exceptionally strict standards that continue to change over time will inevitably yield additional human or technological errors.

Termination of Contracts

San Mateo's current contract with Redflex will expire on June 14, 2020. Staff has determined that continuing the contract at this time is no longer in the best interest of the City. The terms provide that the City may terminate the agreement without cause at any time. Following this Council meeting, staff plans to formally issue the requisite 10-day written notice of termination. It is estimated it will take approximately 90 days to wind down the operation of San Mateo's automated enforcement program, to continue processing those citations which have already been filed with the court. It can take a citation in excess of six months to make its way through the court system. During this time, staff will not be issuing any new citations. It is likely there will be some additional cost associated with the transfer or retention of data after the contract is terminated. This is to ensure enforcement staff retains access to the required information until all citations which have been filed with the court have been fully adjudicated. It is anticipated these costs will be nominal and can be absorbed in the Police Department's existing operating budget.

In addition, San Mateo is currently contracted by the City of Millbrae to manage and provide services for its automatic photo enforcement program. Millbrae has been notified of our intent to cease the program and terminate the contract. Millbrae has indicated their desire to continue with their program. As required by that contract, staff intends to continue to provide services for Millbrae for an additional 90 days, through October 19, 2019. It is staff's full intention to ensure the transition is seamless, and we will supply any needed staffing support and/or training to assist Millbrae in facilitating the transfer of automated photo enforcement program services to a law enforcement entity of its choosing.

Personnel Impact

There is currently one full time merit employee in the classification of Traffic Enforcement Coordinator, whose position was created for and is dedicated to the automated enforcement program. As operations of the program wind down, this position will be redeployed to handle other civilian enforcement support activities, including assisting with the transition of parking enforcement services to an outside service provider and other administrative duties related to parking enforcement. It is anticipated that the additional revenue derived from the new, enhanced service delivery model for parking enforcement will be sufficient to cover the ongoing costs of this position, and this will be re-evaluated in

preparation of the 2020-2022 Business Plan. There are several part time per-diem employees who currently assist with the automated enforcement program who would be released from service.

Financial Impact

The law prohibits program costs and citation revenue to be a considering factor in whether or not to support an automatic photo enforcement program. Specifically, section 21455.5 (h) (3) of the California Vehicle Code states: “A governmental agency that proposes to install or operate an automated traffic enforcement system shall not consider revenue generation, beyond recovering its actual costs of operating the system, as a factor when considering whether or not to install or operate a system within its local jurisdiction.”

For informational purposes, the City has not subsidized the program, and revenue generated from the automated enforcement program has exceeded expenditures in each year of operation.

Table 4 – Program Revenue and Expenditures							
	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19 Year-end estimate	FY19/20 budgeted
Program Revenue	\$710,413	\$598,048	\$520,574	\$594,370	\$835,400	\$742,645*	\$642,509
Program Expenditures	\$450,919	\$462,894	\$467,378	\$433,489	\$460,312	\$475,659	\$469,859
Net Revenue	\$259,494	\$135,154	\$53,196	\$160,881	\$375,088	\$266,986	\$172,650

*Reflects reduction of \$68,985 in estimated lost revenue associated with the refund of those citations issued during the period when the timing was out of compliance, which have already been paid.

Program revenue includes fines from citations, as well as contract revenue from services provided to the City of Millbrae. The annual contract fees paid to Redflex along with direct Police Department staffing make up the program expenditures. The expenditure amounts do not include Public Works staff time, nor do they include Police Department oversight from the Traffic Sergeant or Lieutenant.

BUDGET IMPACT:

As noted in the table above, the budgeted net revenue for the automated enforcement program in 2019-20 is \$172,650. Revenue from administering the program for Millbrae will continue to be received through the termination of that contract in October. Expenditures to wind down the program will continue as well and are already in the operating budget for the Police Department. As the program winds down, resources will be shifted to other revenue-generating parking enforcement initiatives, including the new service delivery model currently being deployed. It is expected that over time with an increased focus on parking enforcement and other methods of traffic enforcement, the overall fiscal impact to the City for terminating this program will be minimal. The final fiscal impact of the termination of the automated traffic enforcement program and the full implementation of the enhanced parking enforcement program will be incorporated into the 2020-22 business plan.

ENVIRONMENTAL DETERMINATION:

In accordance with CEQA Guidelines Section 15301, this project is categorically exempt from CEQA as an ‘existing facility’ in that it involves minor alteration of the intersection equipment that will result in no expansion of the use of the intersection.

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 – Proposed Resolution

STAFF CONTACT

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 (650) 522-7000

**CITY OF SAN MATEO
RESOLUTION NO. ____ (2019)**

AUTHORIZING TERMINATION OF THE AGREEMENT WITH REDFLEX TRAFFIC SYSTEMS FOR AUTOMATED TRAFFIC ENFORCEMENT AND TERMINATION OF THE AGREEMENT WITH THE CITY OF MILLBRAE FOR AUTOMATED ENFORCEMENT SERVICES

WHEREAS, The City of San Mateo has entered into two agreements related to the automated traffic enforcement program:

1. Agreement for red light traffic enforcement services between the City of San Mateo and Redflex Traffic System Inc.
2. Agreement for the provision of automated red-light traffic enforcement services between the City of San Mateo and the City of Millbrae; and

WHEREAS, staff has reviewed the automated enforcement program and determined that the effectiveness of the program has decreased over time and that public safety benefit is not significantly impacted by this labor-intensive and complicated program; and

WHEREAS, staff has determined that termination of the program and the related agreements is warranted; and

WHEREAS, in accordance with the CEQA Guideline section 15301, this action is exempt from CEQA under the Existing Facilities exemption.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, FINDS and RESOLVES that:

1. The Council approves the termination of the Agreement with Redflex Traffic Systems, Inc., effective upon completion of the requisite 10-day notice; and
2. The Council approves the termination of the Agreement with the City of Millbrae, effective October 20, 2019.