

From: "Jay@saferstreetsla.org" <Jay@saferstreetsla.org>

Date: April 20, 2018 at 6:15:39 PM PDT

To: sHenry@cathedralcity.gov

Subject: Re: Comments on Cathedral City Red Light Camera Program on April 25 CC Agenda

Dear Mayor Henry,

I hope my previous correspondence was helpful in regards to your consideration of the red light camera program in Cathedral City.

I have viewed the video of the previous council meeting, as well as reviewed the new staff report, and would like to offer some additional thoughts at this time.

If you have reviewed my previous correspondence, you will note that based on our analysis of red light related injury collisions, though the program was well intentioned, there is little to no evidence that the cameras have achieved an improvement in safety. I believe, based on the staff presentation at your last City Council meeting, that your Chief of Police concurs with this conclusion. I think you will also agree that the question of whether or not the use of the red light cameras has improved safety should be the main factor in the decision whether or not to continue the program.

I was, therefore, concerned that the conversation at times concentrated heavily on the financial aspects of the program. With regards to this discussion about the revenue from the program, I believe the discussion may have run afoul of the following section of the vehicle code:

CVC 21455.5. (h)(3) 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.

Part of the conversation from the council meeting and what appears to be the financial issues that will be considered at the next council meeting, involve a consideration of how the potential loss of revenue, if the program is cancelled, might impact the city budget beyond just recovering the actual costs of operating the system. According to state law, it isn't permissible to take this into consideration when deciding whether or not to operate an automated enforcement system because the council would be considering revenue generation that goes beyond recovering the actual costs of operating the system. Therefore, you may wish to reconsider the decision to include this type of discussion in future deliberations about the program.

Having said that, there are other issues with regards to the program's finances which *are* permissible to consider, as they *would* impact whether the revenue from tickets would be sufficient to recover the actual costs of operating the system. For example, an issue has arisen in other jurisdictions regarding how citations are reviewed. The vehicle code requires that the city have in place certain protocols "*to ensure that only those citations that have been reviewed and approved by law enforcement are delivered to violators*" (CVC 21455.5. (c)(2)(F)). Recent court cases have determined that this means that when reviewing the citations, the officer who does the review must make a reasonable attempt to identify the driver of the vehicle, not just the registered owner, since the driver is the violator, not the owner of the vehicle. This normally would require that for every potential ticket being issued, the officer must make

an attempt to match the photo of the person captured by the RLC system with the driver's license photo of the registered owner to see if there is a match. If not, or if the photo isn't clear enough, the ticket shall not be issued. It is unlikely that Cathedral City uses this enhanced protocol, and meeting this requirement could substantially increase the time officers spend on the program, further impacting its viability.

You should also be aware that there is a bill currently pending in the Legislature to re-set the fine for rolling right turns. The fine for this violation was mistakenly increased when the fine for the straight through violation was increased from a base fine of \$35 to a base fine of \$100 (\$500 with all penalty assessments). If this bill becomes law (and we believe it will) the amount provided to the issuing cities will be reduced to less than \$60 for each ticket paid. Since approximately 73% of the tickets issued in Cathedral City are for rolling right turns, we roughly estimate that the total fine revenue the city receives will be reduced to less than \$180,045 annually.

Revenue*	\$180,000.00
ATS Payment	(\$126,000.00)
Net after ATS PMT	\$54,000.00
Salary Costs	(\$128,016.00)
Net Loss after Salary Costs	(\$74,016.00)

(*estimated using reduction in fine for right turn violations)

If you add in any reduction from a decline in rolling right turn ticketing from the engineering changes you recommended, the program would likely be significantly in the red, even without the cost of any staff salaries.

The current staff report notes that the revenue from the Red-Light Camera violations are deposited into the Traffic Safety Fund. According to the presentation provided at the last council meeting, the net proceeds from the fine revenue after paying ATS is \$132,087.00 (\$258,087.21 - \$126,000.00). Once the legislation to reduce the fine for rolling right turn becomes effective, the net amount would be reduced to \$54,000 or less (\$180,000.00 - \$126,000.00). If you include a further reduction in revenue from a decrease in rolling right turn violations due to any engineering changes to the intersections, there is likely to be no net revenue to be deposited into the Traffic Safety Fund.

Further, although the officer's salaries are funded from the City's General Fund, this is still a cost that the city incurs and one must consider the public benefit received from this financial outlay. From a safety perspective, our analysis shows that the public is receiving little to no safety benefit from the 84 hours per month of police officer time and salary spent on handling the administrative duties of the red light camera program. For the \$128,016 per year spent in officers' salaries, the public would likely receive a much greater benefit if those officers were out on patrol in the City.

From a financial perspective, in 2017, the city spent \$128,016 per year in police salaries for a \$132,087.00 return to the Traffic Safety Fund. This is a net return of \$4071. Considering the possible changes to the program and decrease in revenue from a reduction in the fine for rolling right turn violations, in subsequent years the city is likely to spend over \$128,016 per year in police salaries for less than a \$54,000 return to the Traffic Safety Fund; a **net loss** of about \$74,000. Adding in additional salary costs for officers spending more time reviewing citations to comply with CVC 21455.5. (c)(2)(F), and a

loss in revenue from a reduction in the number of rolling right turn violations due to engineering changes you recommended, the city is likely to show a significant financial loss from the program. Also, we wonder if staff *benefits*, in addition to salary, have been taken into account in the current staff analysis.

Further, even if the program did show a profit, this type of program would be a terrible way to generate that profit. Essentially, for every \$102 dollars the city receives back in fines, \$500 is removed from the local economy. In 2017, the city received \$258,087.21 in fine revenue, but about five times that, or \$1,290,436.00, was removed from the pockets of residents and visitors. That's almost \$1.3 million that wasn't available to be spent at local businesses in Cathedral City. Additionally, significant bad will is generated from those who receive these tickets, especially the 73% that received \$500 tickets for slow rolling right turn violations - violations which the Mayor indicated they were being encouraged to commit. These people are not likely to return to Cathedral City. Therefore, the loss to the local economy due to the red light camera program likely goes far beyond the direct \$1.3 million loss from fines.

Finally, with regards to the matter of who may issue tickets, this is another question which is currently being adjudicated in the handful of other jurisdictions that don't currently use sworn officers. As your City Attorney has advised, Cathedral City would likely not be able to switch to non-sworn personnel for issuing tickets, even if those non-sworn personnel received additional training.

We are confident that the red light camera program was originally recommended and implemented with all good intentions by city staff. Unfortunately, the promises of improved safety and financial benefit made by the for-profit vendor, ATS, have not materialized.

I hope this additional information is helpful to you in your deliberations regarding the RLC program at your next council meeting on April 25th.

Please feel free to contact me with any additional questions.

Sincerely,

Jay Beeber
Jay Beeber
Executive Director
Safer Streets L.A.
818-205-4790

On 4/11/2018 3:45 AM, Jay@saferstreetsla.org wrote:
To the Honorable Mayor and Councilmembers of Cathedral City,

Safer Streets L.A. is a public policy and research organization dedicated to the adoption of scientifically sound and sensible traffic and transportation practices. Safer Streets L.A. promotes science based solutions to motorist and pedestrian safety issues through the presentation of well researched and verifiable data to elected officials, Commissions and Boards.

Our goal in forwarding the attached analysis of the Cathedral City Red Light Camera Program is to provide additional information on the use of photo enforcement in Cathedral City, California. We hope that this information proves useful in your deliberations as to whether or not to continue the city's photo enforcement program.

If you have any questions or comments about the information we have provided, please do not hesitate to contact us.

Sincerely,

Jay Beeber
Executive Director
Safer Streets L.A.
818-205-4790