



Item No. 2f

AGENDA ITEM REQUEST FORM

Town Manager

Connie Hoffmann *CH*

Department Submitting Request

Dept Head's Signature

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- Nov 9, 2010
- Dec 7, 2010
- Jan 25, 2011
- Feb 22, 2011
- Mar 22, 2011

- Oct 29 (5:00 pm)
- Nov 30 (5:00 pm)
- Jan 14 (5:00 pm)
- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

- Nov 22, 2010
- Dec 14, 2010
- Jan 11, 2011
- Feb 8, 2011
- Mar 8, 2011

- Nov 12 (5:00 pm)
- Dec 3 (5:00 pm)
- Dec 30 (5:00 pm)
- Jan 28 (5:00 pm)
- Feb 25 (5:00 pm)

SUBJECT TITLE: RED LIGHT CAMERAS

EXPLANATION: Early last summer, the Town Commission indicated they wished to consider installing a red light camera system at the Commercial/A1A intersection and asked for BSO's input. I assigned consultant Kathie Margoles to do research on red light camera programs, especially in light of the new legislation adopted by the State affecting these programs. The new statute that was signed into law by the Governor in June initiated state regulation of these programs, forced changes in the way these programs are structured with the red light camera vendors, and shifted a considerable amount of revenue generated from infractions identified by red light cameras away from the municipalities and vendors to the State. The result of the legislation is that cities now have to incur significant costs to operate red light camera programs (approximately \$50,000 per camera per year).

The consultant's report has been ready for some time, but Roundtable agendas have been so full that I kept deferring scheduling this matter for discussion. Although the Commission did not include the red light camera program as a priority for the current year, since the research had already been done, it is being placed on the December Roundtable agenda for discussion and your further direction.

RECOMMENDATION: If the Commission wishes to pursue the red light camera program, it is recommended that one of the red light vendors be asked to undertake a traffic analysis to determine whether a camera system is warranted and how many cameras would need to be installed

EXHIBITS: Report from consultant Kathie Margoles
Memo to Florida Cities from Division of Drivers Licenses
Map showing Florida cities with red light programs
Memo dated August 3, 2010 from Chief Llerena

Reviewed by Town Attorney
 Yes No

Town Manager Initials CH

Date: October 29, 2010

To: **Connie Hoffmann, Town Manager**

From: **Kathleen S. Margoles**

Re: **Report on Red Light Cameras**

ISSUE

Since the Town Commission discussed the possible installation of red light cameras the at the intersection of Commercial and A1A, we have developed a better understanding of the impact of the legislation the State enacted effective July 1, 2010 regulating the use of red light cameras by counties or municipalities. This report explains the Red Light Camera legislation and how it will affect the Town.

BACKGROUND

Previous to the 2010 State of Florida legislative action, several municipalities throughout the State passed ordinances establishing red light camera programs and then contracted with private vendors who provided Red Light Camera systems. The private vendors provided the cameras and technology to capture the vehicle going through the red light. The county and/or municipality would then issue a violation notice. Signs were posted at intersections with cameras so the public was aware of the surveillance. The service was promoted as a safety mechanism to reduce accidents at intersections. The penalty fees were a significant source of revenue to the municipality.

The State of Florida now regulates red light cameras programs, which they refer to as "traffic infractions detector programs". The statute provides a very detailed process for administering a traffic infraction program, including the collection and distribution of penalty fees. (See Attachment A- June 21, 2010 letter from the Florida Bureau of Records, Division of Drivers Licenses).

Prior to the new legislation, the municipality issuing the citation shared the fines paid by violators with the red light camera operator and the programs generated substantial revenues to the cities. Now the State must receive eighty-three (\$83) of the one hundred and fifty-eight dollars (\$158) fine allowed for an infraction.

RED LIGHT CAMERA SYSTEMS

One of the most prominent companies that provide red light camera systems, American Traffic Solutions (ATS), contacted the Town and would like to make a presentation to the Town Commission. ATS is major provider of red light camera systems in Florida. (See Attachment B-Map of ATS Florida City Contract Awards). They indicate the first step to determine the feasibility of enacting a red light infraction detection program in a

municipality is to set up a traffic study to get data on actual red light runners at intersections. The study takes a week and the results are available within 5 days. ATS has set a minimum requirement of 10 red light runners in an eight (8) hour period to warrant installation of the camera program.

Under their process, the red light camera system takes two photos of the vehicle entering the intersection after the light has turned red. AFS verifies the cameras are functioning properly and that the vehicle and license match.

AFS then sends the file to the local police department for review and issuance of the citation. A municipality may use a police officer or a traffic infraction enforcement officer to issue the traffic citation for the red light camera violation. Any sheriff's department or police department may employ, as a traffic infraction officer, any individual who successfully completes the required instruction defined in the state statute but does not meet the requirements of training for a law enforcement officer. The traffic infraction enforcement officer or police officer reviews the photographs of the incident to ensure the accuracy and integrity of the recorded images and verifies that the equipment is working properly. They also verify that the license plates match the vehicle so the Notice of Violation can be sent to the registered owner of the vehicle. Only law enforcement agencies have access to the Department of Motor Vehicles database to verify this information. It is clearly in the best interests of the Town to NOT have a police officer do the review as it substantially reduces the fine revenue to the Town. (See section on FINES AND REVENUE SPLIT section of this report.)

Once the local police department issues the citation, AFS mails it to the violator. The violator may submit an affidavit claiming one of four exemptions within 30 days. The affidavit is reviewed by the traffic infraction officer who issued the citation to make a determination of whether the citation should be withdrawn or not.

The violator can pay the fine online, by check or credit card through AFS.

If the fine is not paid and an affidavit has not been submitted by the violator, a Uniform Traffic Citation (UTC) must be sent to the violator. Once the UTC has been issued, the owner/driver must pay the original penalty plus court fees to the County Clerk of the Court.

ATS charges the municipality a monthly fee for each camera and absorbs the cost of installing the cameras.

There are a number of other companies that provide red light camera systems nationally and internationally. Fort Lauderdale received three proposals to their May 2010 Request for Proposals for an Automated Camera Red Light Traffic Enforcement System. The three companies that responded were ATS, ACS State and Local

Solutions, Inc (ACS) and Traffipax, Inc. I spoke with a regional manager from ACS who said they have systems in Miami Beach, Bradenton and Tallahassee. Traffipax, Inc informed me they no longer do red light camera systems in the United States. There are also two other companies - Redflex Traffic Systems and Gatso,USA - that provide red light camera systems. Redflex Traffic Systems also supplies systems to 240 cities, county and state agencies but only as far south as Georgia.

LBTS RED LIGHT VIOLATIONS

Town of Lauderdale-By-The-Sea Broward Sheriff's Office (BSO) Chief Oscar Llerena. told me that the BSO traffic crash data does not indicate any particular red light running hotspots in LBTS. Chief Llerena provided the Town Manager with a memo on the subject of Traffic Crash/Red Light Analysis. In a traffic study at A1A and Commercial for four hours, twelve incidents of motorists running red lights were observed. He recommends the implementation of a formal traffic study. (See Attachment C- Memo from Chief to Interim Town Manager)

The lack of crash data does not necessarily mean red lights are not being run at the intersection. In a memo to the previous Town Manager, the previous BSO Chief stated a covert watch at the A1A & Commercial intersection showed an average of forty plus (40+) citations could be issued over a ten (10) hour period during daylight hours.

OTHER BROWARD MUNICIPALITIES WITH RED LIGHT CAMERAS

Hallandale Beach has had a red light camera program since 2008. The cities of Fort Lauderdale and Hollywood have both adopted authorizing ordinances to implement red light camera programs and contracted with American Traffic Solutions for the installation of the red light camera system. The Town of Davie has also passed an ordinance authorizing a red light camera system. I don't believe that Davie or Hollywood have started their programs yet.

I spoke with Major Freedman of the Hallandale Beach Police Department. Their program has been working well but he is concerned about the new process being implemented with the Broward Clerk of the Courts. Jason Mirage, Business Analyst for the Broward Clerk of the Courts advised me the Clerk did not receive any additional funding from the State or the County for staff to handle the red light programs and they are concerned with the burden that will be placed on the Traffic Courts as more red light camera programs are implemented.

I also spoke with Captain Michael Gregory of the Fort Lauderdale Police Department. Fort Lauderdale's program was implemented with a 30 day warning period in August and began issuing Notices of Violation to red light runners at designated intersections beginning September 8, 2010.

FINES AND REVENUE SPLIT

Under the new Florida State Statute, the fine is set at one hundred and fifty eight dollars (\$158.00). (Of the State's portion, seventy dollars (\$70) goes to the General Revenue Fund, ten dollars (\$10) goes to the Health Administrative Trust Fund and three dollars (\$3) for the Brain and Spinal Cord Injury Trust Fund.)

Seventy-five (\$75) dollars is retained by the municipality, provided the violator pays the fine without contesting the notice of violation. This distribution changes if the Notice of Violation escalates to a Uniform Traffic Citation and payment is made through the Clerk of the Courts.

The State Statute details the process for the issuance of a Uniform Traffic Citation (UTC) if the fine is not paid or an affidavit has not been submitted within 30 days. When the UTC is paid through the Clerk of the Courts, \$67.50 is remitted to the municipality. Per Jason Mirage, Business Analyst of the Broward County Clerk of the Courts, the municipality's share of the fine decreases to \$15.09 if a Police Officer reviews and issues the ticket rather than a traffic infraction enforcement officer. This is because when a Police Officer reviewing and issuing the ticket, there are additional mandatory distributions to trust funds directly for law enforcement.

The Statute states "a manufacturer or vendor may not receive a fee or remuneration based upon number of violations detected through the use of the traffic infraction detector". In the Fort Lauderdale contract with AFS, the fee is a flat fee per camera of four thousand, two hundred and fifty dollars (\$4,250) per month which amounts to \$51,000 per year. One camera would be capable of capturing the approach of a vehicle in violation. At any intersection, the Town can opt for 1-4 cameras based on where the most violations tend to occur. The Town would have to collect from over fifty seven (57) violators monthly to cover the cost of each camera.

Assuming fifty percent of the tickets are paid voluntarily to the Town and fifty percent through the Clerk of the Courts, and assuming BSO does not use a Deputy to issue citations but uses a civilian instead, the Town would have to collect from over sixty (60) violators monthly to cover the cost of each camera.

ACTION REQUIRED

If LBTS is interested in pursuing a Red Light Camera Enforcement Program, the Town Commission would have to determine whether the revenues generated will offset the cost of the red light system, work out with BSO whether they can handle the reviews

necessary within their existing budget or if the Town would incur additional costs, and pass an ordinance to provide the framework for the program.

Julie L. Jones
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.flhsmv.gov



Charlie Crist
Governor

Bill McCollum
Attorney General

Alex Sink
Chief Financial Officer

Charles H. Bronson
Commissioner of Agriculture

June 21, 2010

TO: Florida Cities
Florida Counties

FROM: Dana Reiding, Chief *Dana Reiding*
Bureau of Records
Division of Driver Licenses

SUBJECT: **Red Light Cameras, House Bill 325**

The Governor has signed House Bill 325, which authorizes the use of red light cameras. Effective July 1, 2010, counties or municipalities are authorized to use red light cameras to enforce Sections 316.074(1) and 316.075(1)(c)1., Florida Statutes.

The bill creates Section 316.0083, Florida Statutes, which establishes procedures related to red light camera violations. The steps below apply once the county or municipality determines that a red light violation has occurred.

Step 1: Notice to the Owner

Specifically, the county or municipality (or its vendor) must issue a notice of violation to the registered owner of the vehicle within 30 days after the violation. The notice must contain the photo of the tag/intersection, the time/date stamp of the violation, a time and place or Internet location where the evidence may be examined/observed, and an explanation of the penalty and remedies. The penalty is \$158 and must be paid directly to the entity sending the notice.

Within 30 days after the date of the first class mail notification, the owner must either:

1. Pay the penalty to the county or municipality OR
2. Submit an affidavit claiming one of the following exemptions:
 - The driver was trying to yield the right of way to an emergency vehicle or as part of a funeral procession;

- The driver passed through the intersection at the direction of law enforcement;
- The motor vehicle was in the care, custody or control of another person, in which case the owner must provide additional information identifying the driver or proving theft of the vehicle. If the vehicle owner identifies another person as the driver, that driver may receive a citation.
- A uniform traffic citation (UTC) was issued for this offense by a law enforcement officer to the driver already. The affidavit must include the number of the uniform traffic citation.

Step 2: Issuance of Uniform Traffic Citation

If a payment has not been made or an affidavit has not been submitted within 30 days of the notification, the county or municipality must send a UTC, written by a traffic infraction enforcement officer, by certified mail to the registered owner of the vehicle. The UTC must be delivered certified mail no later than 60 days after the date of the violation.

The county or municipality must also electronically transmit the traffic citation data to the Clerk of Court within five days after the issuance of the UTC to the violator. All counties or municipalities issuing UTCs for red light camera violations are required to produce electronic citations (e-citations), and not handwritten pre-printed paper UTCs. The e-citations used for red light cameras must be approved by the Department and meet uniform standards for format and content. For instructions, please see below under the heading E-Citations and Data Transmission.

Once the UTC has been issued, the owner/driver must pay the penalty plus court fees to the Clerk of Court. The estimated total civil penalty if paid to the clerk is \$256. Alternatively, the owner/driver may request a hearing under Section 318.14(5), F.S., and be subject to civil penalties by the court.

Additionally, if the issuing entity determines that the UTC was issued in error, the entity may provide documentation to the driver to present to the Clerk of Court requesting dismissal. The Clerk of Court is authorized to dismiss the citation in these instances, but may not charge a fee for the dismissal.

Step 3: Driver License Penalties

If a UTC is issued, the Clerk of Court is required to transmit the UTC data and disposition to the Department through the Traffic Citation Accounting Transmission System (TCATS). The Department will assign a new violation code specifically for violations of Sections 316.074(1) and 316.075(1)(c)1., F.S., when written under the guidelines in Section 316.0083, F.S., by a traffic infraction enforcement officer.

Regardless of disposition, no points will be assessed to the driver record. However, if the owner/driver pays the civil penalty or is otherwise found guilty, the violation will be recorded as a conviction on the driver record.

Red light camera violators will not be required by the Department to complete a basic driver improvement course under Section 322.0261(4), unlike violators cited for running a red light by a law enforcement officer.

E-Citations and Data Transmission

The Department is tasked by law under Section 316.630, F.S. with ensuring that all UTCs produced are consistent with the state traffic court rules and the procedures established by the Department. Counties and municipalities issuing UTCs for red light camera violations must issue (e-citations).

The county or municipality must submit to the Department their E-Citation for approval prior to use. Some red light cameras are administered by local law enforcement agencies. In these cases, the local law enforcement may use their existing e-citation systems to produce UTCs for these violations.

A list of approved e-citation vendors is attached. If you wish, you may purchase e-citation software from one of the approved vendors. Please email a PDF of the proposed e-citation to Amy Crowson (850-617-2589) at amycrowson@flhsmv.gov. If corrections are needed, Amy will identify and email any required changes to the requestor. If no corrections are required, Amy will email a memo of approval to the requester. Please note that a county or municipality may not begin issuing UTC e-citations until approval is received.

This bill is effective July 1, so the earliest we would expect UTCs (e-citations) to be issued for red light camera violations is August 1. Please plan your requests for approval of your e-citations accordingly. Our review process takes approximately 5 business days.

HB 325 requires a two-tier notification system, with the first being a notice. The bill does not specify the format of the notice, but does require that it contain certain information. The toll authorities use a modified form of the e-citation as their notice. The toll notices include the UTC format and content on the right side of an 8 ½ X 11 page, and on the left side list the options for remedy and the applicable penalties. A sample is attached for your reference.

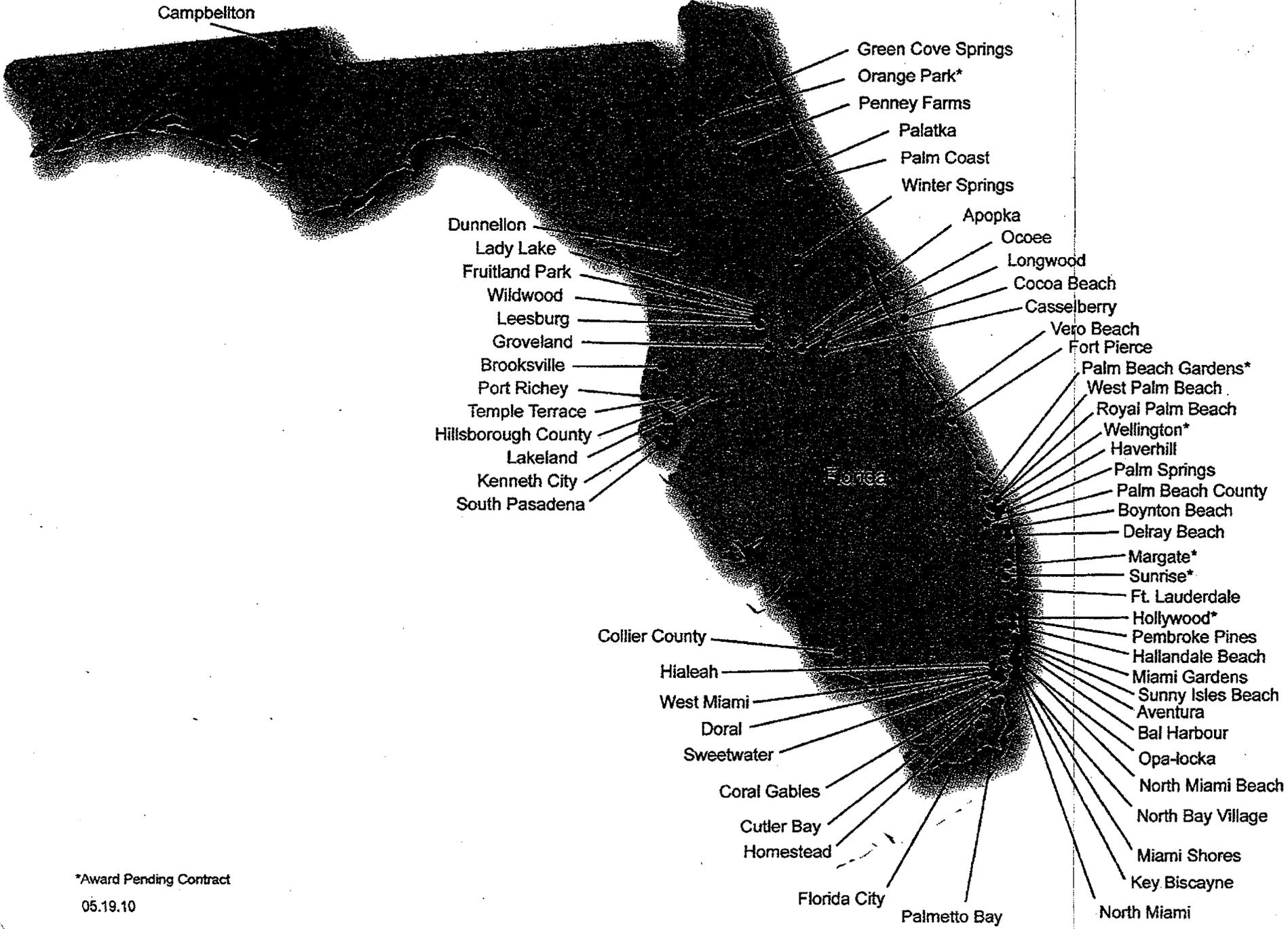
Once you are ready to issue e-citations, we will assign specific UTC e-citation numbers to you. All e-citations must be numbered and appropriately inventoried. For more information, please see the UTC Manual posted at www.flhsmv.gov/courts.

Section 316.650 (3)(c), F.S. requires counties and municipalities to electronically transmit citation data to the clerks. To ensure that the clerks can receive the data and use it appropriately,

the data should be transmitted in a standard format with specific data edits. For more information on this process, please contact the Florida Association of Court Clerks at (850) 921-0808.

If you have any questions, please contact Bonnie Scott-Walls at (850) 617-2702 or at bonniescott-walls@flhsmv.gov. Please visit our web site at www.flhsmv.gov/courts for other reference documents.

Attachment B



*Award Pending Contract

05.19.10



Pride in Service with Integrity

INTERNAL MEMO

Date: August 3, 2010

To: Connie Hoffman, Interim Town Manager
Lauderdale-by-the-Sea

From: Chief Oscar Llerena 
Lauderdale-by-the-Sea District

Subj: **Traffic Crash / Red Light Analysis**

I recently tasked our motor deputy with conducting a traffic crash analysis to determine if there exists a correlation between traffic crashes occurring at lighted intersections and violations of right of way involving red lights.

We reviewed a total of 197 traffic crashes occurring in Lauderdale-by-the-Sea between July 1, 2009 through June 31, 2010; a period of 12 months. We discovered that none of these traffic crashes reflected a contributing factor involving the running of a red light. Three of the traffic crashes occurred at lighted intersections. These involved violations of right-of-way relating to left turns made on a green light.

Based on this analysis, traffic crashes do not appear to have a correlation with incidents of red light running.

Furthermore, we conducted a covert traffic study at the lighted intersection at SR A1A & Commercial Boulevard. This was a follow-up to a similar traffic study conducted approximately one year ago. During the 4 hours spent at the location, we observed 12 incidents of motorists running red lights. Based on this informal analysis, is it apparent that motorists do run the red light at SR A1A & Commercial Boulevard.

We recommend the implementation of a formal traffic study following the scientific method to determine an accurate count of persons running red lights within the Town.