

345

Connecticut Livable Streets Campaign

Steering Committee

Tokunbo Aanifalaje, West River N'hood Services Corporation (New Haven)

Mark Abraham, Dixwell Community Management Team (New Haven)

Kirsten Bechtel MD, Section of Pediatric Emergency Medicine, Injury Free Coalition for Kids, Yale-New Haven Hospital

Justin Elicker, Co-Leader, Friends of East Rock Park (New Haven), Ward 10 Alderman, City of New Haven

Beth Emery, Transportation Alternatives Middletown

Tom Harned, Elm City Cycling

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Chris Heitmann, Executive Director, Westville Village Renaissance Alliance (New Haven)

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March 3, 2010

Senator Don DeFronzo
Representative Antonio Guerrero
Co-Chairs, Transportation Committee
Legislative Office Building
Hartford, CT 06106

My name is Abigail Roth and I am submitting this testimony both as a member of the CT Livable Streets Campaign and as a concerned citizen of Connecticut. I am urging the Transportation Committee to support a bill to enable municipalities in Connecticut to install cameras at red lights in school zones and in intersections with a history of red light running and/or crash history. Thank you for taking the time to review and consider my statement.

Over 400 cities and towns across the United States have taken the sensible step of using red light cameras to deter people from breaking the law and endangering lives. Red light running is a public health crisis. Every day when I walk to work in New Haven, I see people flagrantly violating the law by speeding through red lights. They know the chance that a police officer will see them is slim, and so they selfishly, and illegally, rush through the light putting other vehicles, pedestrians, and cyclists at risk. In 2006, 3,500 motor vehicle collisions in Connecticut were associated with traffic control violations, primarily red light running, of which 60% resulted in injuries. This is unacceptable. But if we, like so many other places, strategically use red light cameras, it is avoidable.

The Connecticut Police Chiefs Association supports allowing municipalities to use red light cameras to detect vehicles that run red lights. They recognize the police cannot adequately deter this dangerous behavior with their limited resources – and in many urban settings it is risky for police to chase after red light runners. Yale-New Haven Hospital similarly supports allowing municipalities to use red light cameras. They see the injury and death that results from red light running, and the costs it imposes emotionally and financially on individuals and society. The support of law enforcement and the medical community to me is a powerful demonstration of how sensible and important it is to pass red light camera enabling legislation.

I appreciate that some people have privacy concerns about red light cameras. However if people take the time to understand how red light cameras would work, there simply is no rational basis for these concerns. For one, photographs only are taken when a vehicle runs through a red light – violating the law. The courts have held that vehicles on a public road have a lower expectation of privacy. Vehicles on a public road breaking the law and putting others at risk clearly have a lower expectation

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of privacy. Moreover, even if a vehicle runs through a red light, there is no photograph of the occupants of the vehicle; the only close-up photograph is of the license plate.

Significantly, no red light camera program has been held to violate the U.S. Constitution. The courts have unanimously found such programs do not violate Due Process or the 4th, 5th, or 6th Amendments. It is important to remember red light camera violations are akin to getting a parking ticket – they don't even result in points on a license. And the proposed legislation provides a full opportunity to contest a violation, including an appeals process.

While I am delighted that Bill No. 345 has been raised in the Transportation Committee, I would urge the Committee to consider replacing it with the legislation drafted by the CT Livable Streets Campaign. Our organization incorporated provisions in our draft bill to address criticisms that have been raised about red light cameras in the past – as well as provisions that the courts have cited in finding ordinances in other localities to be constitutional. For example, we have included affirmative defenses in our draft bill that the owner of a vehicle can raise to contest a red light camera citation, including that someone other than the owner of the vehicle was driving it at the time of the offense.

We also have included a provision prohibiting a vendor contracted by a municipality from being compensated on a per violation basis. This removes the allegation that contractors have an incentive to “fix” the system to make more money. We also created a special traffic safety education, enforcement and improvement account, that all fines collected from red light camera violations would have to be put into. This diffuses the criticism that municipalities just want red light cameras to raise revenue. The reality is that these cameras are such an effective deterrent, they cause dramatic drops in red light running, and thus revenue. The revenue raised likely will just cover the cost of running the program.

Our bill also requires that cameras only can be in school zones or at intersections with a history of red light running and/or crash history. This demonstrates that these cameras are not being used to invade privacy in certain neighborhoods – but to protect lives where they are most at risk. Our bill also contains height and distance criteria, to ensuring that signs announcing that red light cameras are present are readily visible. Bill 345 allows municipalities to initiate 2 year pilot programs. Our bill does not require pilot programs, but does require municipalities to report the results of using red light cameras. Under our bill, the legislature could simply repeal the legislation if it found it was not effective.

For all the reasons stated above, I urge the Transportation Committee to review the bill drafted by the CT Livable Streets Campaign.

Again, thank you very much for considering my testimony. I sincerely hope this Committee, and the entire Legislature, votes to give municipalities the freedom to install red light cameras at dangerous intersections and in school zones. This very narrowly tailored step is a common sense measure to deter the frequent and dangerous red light running that is such a threat to public health and safety in Connecticut.

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Please do the right thing and adopt this legislation. Lives are depending on it.

Sincerely,

Abigail Roth

CT Livable Streets Campaign

TO: CGA Transportation Committee
RE: Public Hearing on SB 345

March 2, 2010

Dear Senators and Representatives:

I would like to express my strong support for proposed legislation enabling a pilot program for the use of red light cameras.

My office window looks over a busy downtown New Haven intersection and I can witness drivers running red lights at almost every cycle. On my walk or drive home each day, I witness drivers egregiously running traffic controls, not infrequently putting my own personal safety at risk. Last week, a driver sped through a light on Grove Street more than 8 seconds after the red, after I had already begun walking across the street. On several occasions over the past 5 years, I have nearly been hit by drivers completely ignoring the signal.

This situation is not a "nuisance" - it is a daily life-or-death concern.

I am sure that the experts and citizens testifying today will speak about the proven safety benefits of automated red light enforcement, the fact that these systems are our municipalities' only viable option for creating more civil behavior at major intersections on urban surface streets, and the fact that such devices are widely-used in hundreds of other cities around the United States and many more throughout the world.

However, in addition to the clear public safety benefits to municipalities and residents, I would also like you to consider why the proposed legislation is absolutely crucial to promote economic development within Connecticut:

1. **Cost Burden:** Although violations may seem trivial to those breaking the law, the consequences are extremely serious. Within urban areas, all available data clearly show that crashes caused by red light running are far more likely to cause an injury than those caused by other types of traffic violations. According to the IIHS, red light running was responsible for 200,000 crashes in 2005, resulting in over 150,000 injuries and over 800 deaths nationwide. 2006 statistics from ConnDOT's website suggest similar ratios for our state. This indirectly creates a massive cost burden for all citizens, in the form of high insurance, medical costs and many other underreported personal costs. Severe crashes are a hidden tax on all of us, strangling our state's ability to provide jobs, health care, education and other resources for its citizens.

2. **Local Retail Success:** Even more significantly, the economies of urban areas such as New Haven and Hamden, where my friends and I do the vast majority of our shopping, rely on safe pedestrian, bicycle and vehicular travel. The fear of drivers running red lights, and the discomfort created when they do, discourages our citizens from making these trips on a daily basis. Far fewer than half of New Haven residents take a private car to a job every day, indicating that many trips within our cities are short in nature and involve means of transit (walking, cycling or walking to bus stops) that place residents at a potentially higher risk when confronted with drivers who are speeding or running red light signals. This greatly decreases

local retail sales – we do our shopping on Amazon instead. Even worse, to the detriment of our health and communities, we curtail our “walking radius” and either save up for monthly trips to a warehouse, or buy less healthy foods because they are closer to home.

3. Walkable Urbanism & Workforce Retention: Perhaps most importantly from a taxpayer's perspective, Connecticut needs to better understand how walkable streets are absolutely crucial to attracting a young, creative, entrepreneurial workforce. The retention of 25-34 year old workers is a major issue in Connecticut, and is directly linked to having vibrant urban places. As a 30 year old worker, I can testify that the perception of Connecticut cities among my friends suffers tremendously due to the daily incidents of traffic-related lawlessness, injury and death on our streets. A number of recent surveys conducted by neighborhood associations in this area have revealed both widespread citizen dissatisfaction with the level of traffic enforcement as well as demand for “walkable urbanism,” as the Brookings Institution refers to the type of urban environments that are currently seeing the largest amount of sustained private investment and housing appreciation. Red light running eliminates any possibility of it.

4. Success of Small Businesses: I have worked in leadership positions for several small for-profit corporations which focus on development in Connecticut cities, and traffic safety has been constantly cited as a concern by our employees. The perceived and actual lack of safe streets has directly prevented some of our younger and middle-aged employees from walking or biking to work on a daily basis, which means that they are less likely to enjoy living and working in an urban area and ultimately, at these companies.

The New Haven Safe Streets Coalition, whose petition was signed by over 2,000 city residents, over 30 local elected officials, all 12 of New Haven's Community Management Teams and dozens of other local and state advocacy groups, has demonstrated that there is significant regional interest in improved traffic safety. The petition called for a 90% reduction in traffic injuries and fatalities by 2015 - a clearly-expressed goal that our communities have an ethical obligation to meet as soon as possible, given that these types of injuries are completely preventable.

Although a multi-pronged approach is needed, I believe that the Coalition's stated goal of a 90% reduction in injuries will only be possible with higher levels of enforcement. Your legislation will allow municipalities to use the deterrent of automated cameras that issue parking violations to drivers running red lights, especially at select locations where traditional law enforcement is simply impossible. I hope that you will do everything possible to ensure that legislation enabling the use of this technology is signed into law this year.

Best regards,

Mark Abraham
Secretary, Dixwell Community Management Team
Author, New Haven Safe Streets Petition
746 Chapel Street, 2nd Floor, New Haven, CT 06511

Topic:

TRAFFIC REGULATIONS;

Location:

TRAFFIC REGULATIONS; TRAFFIC SIGNS AND SIGNALS;



September 2, 2004

2004-R-0540

CAMERA BASED ENFORCEMENT OF RED SIGNAL VIOLATIONS AT INTERSECTIONS

By: James J. Fazzalano, Principal Analyst

You asked for general information on the use of cameras to enforce traffic violations at signalized intersections including in how many states such enforcement is currently used, what due process issues have been raised with respect to such systems, and what some of the results have been from using this type of photo enforcement.

SUMMARY

Camera enforcement of red signal light violations at intersections is known to be in use in more than 100 municipal and county jurisdictions in 17 states, and in the District of Columbia. California and Maryland account for more than half of these jurisdictions. Besides the District of Columbia, the largest cities using photo red light enforcement include Phoenix, Los Angeles, San Diego, San Francisco, Chicago, Denver, and New York City, and Baltimore. In five states, camera enforcement is authorized on a statewide basis by statute. Several other states authorize it by law for specific communities or based on community-size. In six states, there are no authorizing laws but certain communities have adopted ordinances setting up camera enforcement.

Although there have been a number of court challenges to camera enforcement systems on constitutional grounds, including under the due process provisions of the

courts appear to have focused on some operational aspects of certain programs and invalidated citations in certain circumstances while upholding the validity of the programs in general. One area of concern raised by some courts is the practice of vendors operating the programs getting a portion of the fines paid by violators they are responsible for processing.

Proponents of red light camera enforcement point to a number of studies and self-reported results from many communities that identify declines in both intersection accidents and red light violations following institution of camera enforcement. Some of these studies also purport to identify a positive “spillover” effect of camera enforcement where accidents or violations also decline at intersections that are not equipped with cameras due to the increased public awareness that results from camera enforcement.

Camera enforcement opponents argue that some of these studies overstate the benefits of camera enforcement through bad study design or oversimplified analysis. They also argue that many communities implement these programs primarily for revenue enhancement rather than safety purposes. Finally, they point to studies that show similar improvements in accident and violation experience can be achieved by other means such as lengthening yellow light cycles or implementing short intervals during the signal cycles that give all sides a red light to allow for clearance of the intersection.

JURISDICTIONS CURRENTLY USING PHOTO RED LIGHT ENFORCEMENT

Photo enforcement of red light violations at signalized intersections is currently being used in over 100 communities in 17 states and the District of Columbia. California (35 communities and counties) and Maryland (22 communities and counties) represent the majority of locations currently using red light camera enforcement technology. North Carolina has the next most communities using cameras with 11. Some of the largest cities where red light camera enforcement is in use include Phoenix, Los Angeles, San Diego, San Francisco, Denver, Chicago, Baltimore, New York City, and the District of Columbia.

Camera enforcement is authorized on a statewide basis by statute in five states (California, Colorado, Delaware, Georgia, and Maryland) and the District of Columbia. In several other states, the law authorizes camera enforcement for cities of certain sizes (Illinois, New York and Oregon), certain specified cities (North Carolina), or even at certain specific locations in a city (Philadelphia, Pennsylvania). Oregon’s law limits the use of photo enforcement to eight intersections for cities with 30,000 to 300,000 population and 12 intersections in cities of more than 300,000 population.

In several other states, there is no specific state law authorizing photographic red light enforcement but local ordinances provide for it in certain communities. These

Tempe), Ohio (Toledo and Dayton), South Dakota (Sioux Falls), Tennessee (Germantown), Texas (Garland), and Rhode Island (Providence).

The 35 jurisdictions in California using photo red light enforcement are: Bakersfield, Beverly Hills, Cerritos, Compton, Costa Mesa, Culver City, Cupertino, El Cajon, Fremont, Fresno, Fullerton, Garden Grove, Hawthorne, Indian Wells, Inglewood, Long Beach, Los Angeles City, Los Angeles County, Montclair, Montebello, Oxnard, Pasadena, Rancho Cucamonga, Redwood City, Sacramento City, Sacramento County, San Diego, San Francisco, San Juan Capistrano, Santa Ana, South Gate, Ventura, Upland, West Hollywood, and Whittier.

The 22 jurisdictions in Maryland using photo red light enforcement are: Anne Arundel County, Annapolis, Baltimore City, Baltimore County, Bel Air, Bladensburg, Bowie, Charles County, Cheverly, College Park, Cottage City, Forest Heights, Greenbelt, Howard County, Hyattsville, Laurel, Landover Hills, Montgomery County, Morningside, Prince Georges County, Riverdale Park, and Rockville.

Colorado has red light photo enforcement in Boulder, Denver, Fort Collins, and Northglenn. Delaware has it in Dover, Seaford, and Wilmington. Georgia has it in Decatur, Marietta, Rome, and Savannah. In North Carolina, photo enforcement is used in Cary, Charlotte, Fayetteville, Greensboro, High Point, Indian Trail, Marshville, Monroe, Raleigh, Rocky Mount, and Wilmington. Virginia has photo red light enforcement in Alexandria, Arlington, Fairfax City and County, Falls Church, and Vienna. Oregon law authorizes photo red light enforcement in Beaverton, Medford, and Portland.

Nevada law prohibits the use of photographic, video, or digital equipment unless it is hand held by a police officer or installed in a law enforcement vehicle.

DUE PROCESS ISSUES RELATING TO PHOTO RED LIGHT ENFORCEMENT

The Fifth and Fourteenth Amendments to the U. S. Constitution require procedural safeguards against deprivation of life, liberty, or property without due process. Opponents of photo red light enforcement programs have challenged these programs on due process and other constitutional grounds in a number of states. The Insurance Institute for Highway Safety (IIHS), a proponent of automated traffic enforcement programs, maintains in its evaluation of the constitutional issues related to photo enforcement that every court that has reviewed automated enforcement programs has found that “using camera technology does not violate any provision of the U. S. or state constitutions; however, courts have required some cities to make changes in the programs to correct operational problems.” (*Is Automated Enforcement Constitutional?*, Shari T. Kendall, Insurance Institute for Highway Safety, May 2004, p. 1 (enclosed)).

Carolina, as well as the U. S. Ninth Circuit Court of Appeals, and the Superior Court of the District of Columbia have rejected challenges to the automated enforcement programs based on due process, equal protection, the Fourth Amendment protection against unreasonable search and seizure, and the "Takings Clause" of the Fifth Amendment.

The report also notes that although arguments regarding photo enforcement being an invasion of privacy and frequently made by opponents, no privacy challenges have been raised in court. It attributes this to the fact that the U. S. Supreme Court has clearly ruled that there is a lesser expectation of privacy while operating a motor vehicle than in other venues.

Some of the due process objections that photo enforcement opponents have made in these unsuccessful challenges include that: (1) not all drivers photographed receive tickets, (2) the vehicle owner is presumed to have been the driver at the time of the violation, (3) the laws do not specifically state where a warning sign should be, (4) there is a presumption that the driver committed the offense, and (5) the delay in receiving the ticket for the violation is too long.

One area in which some courts have expressed concern relates to the way in which vendors providing citation-processing services are paid. In many cases, photo enforcement programs are run for the governmental agencies by vendors. These vendors provide the camera systems to the local jurisdictions and in many cases process the photographic evidence and issue the citations to alleged violators. While some of these contracts provide the vendor a flat fee for services, some others give the vendor a portion of the fine that results from a conviction of the violation. Some courts have expressed concern over these "contingency" fees; viewing them as a potential conflict of interest for the private entity. This has been particularly controversial in San Diego where at least one court dismissed approximately 300 citations for this reason, although it found no constitutional problem with the existence of the program itself.

RESULTS OF PHOTO RED LIGHT ENFORCEMENT

The National Highway Traffic Safety Administration maintains that in 2002, an estimated 920 people died in intersection accidents involving a driver that ran the red signal. It estimates that 178, 000 injuries also resulted from these crashes. The agency has initiated a "Stop Red Light Running" campaign to attempt to address the problem.

Most of the jurisdictions that have reported results of their red light photo enforcement programs have claimed reductions in violations, accidents, or both, although not necessarily at every intersection where photo enforcement has been used.

The IIHS conducted a review of the Oxnard, California program in 1999 which concluded that after the program's first year of operation, overall accidents had decreased by 7% and injury producing crashes declined by 29% at signalized intersections. Front-into-side crashes, which are the kind that are most frequently associated with red light violations, decreased by 32% overall and by 68% with respect to crashes that produced injuries. The study also found that red light running violations decreased by 42% across the city after cameras were introduced at only nine intersections—what the study concluded was a considerable “spillover” effect the cameras had on driver behavior generally.

Another IIHS study in Fairfax, Virginia found that red light running violations declined 44% the first year after camera enforcement began. The study noted a similar spillover effect as it had observed in the Oxnard study. The report found that the decline in violations at intersections that were not equipped with enforcement cameras was 34%. The study also found a 7% reduction in red light violations after three months of camera operation and a 44% reduction in violations after one year.

Several international studies conducted in Australia and Singapore have found injury accident reductions ranging from 7% to 46%, but the IIHS analysts noted some flaws in these study methodologies that do not control for certain statistical anomalies.

In some instances, the presence of red light enforcement cameras, while reducing angled crashes appears to have resulted in an increase in less severe rear-end collisions—apparently the result of drivers stopping rapidly to avoid going through the red signal. New York City has reported a 60-70% decline in angled crashes at one of its camera-equipped intersections. Considering all sites, the analysis concluded that rear end collisions held steady at most of the intersections and increased at some of them. New York City has also reported a 34% reduction in red light violations.

In Mesa, Arizona, a study conducted by the police department tracked six intersections for the period prior to installation of enforcement cameras (1995-99) and the period after installation (1999-2000). The report concluded that there was a 22% decrease in collisions caused by red light violators at these locations despite an increase in traffic volume and an approximate 18% increase in city population during this period.

Red light camera opponents generally argue that most cities using them are more interested in them for revenue enhancement purposes than as necessary safety measures. They also charge that many of the studies purporting to show safety benefits are methodologically flawed or not sufficiently rigorous. Opponents also point out that some analysts have shown that changing the signal cycles, in particular the cycle of the yellow signal, has the greatest effect on whether or not red

2/24/2010

CAMERA BASED ENFORCEMENT OF RE...

such as red light cameras. One such study was conducted by AAA Michigan. The organization worked with Detroit city engineers to identify certain high crash intersections and certain countermeasures were devised. These included enlarging the traffic light lenses by 50%, remarking left turn lanes, retiming signals, and introducing an all-red clearance interval where all sides face a red signal for a brief period as the signals change. The AAA researchers reported a 47% decrease in accidents and a 50% reduction in injuries at the intersections that received the special enhancements.

JF: ts



February 17, 2010

2010-R-0073

RED LIGHT AND SPEED CAMERAS

By: Paul Frisman, Principal Analyst

You asked which states have successfully used radar or cameras to cite drivers who speed or drive through red lights (“automated traffic enforcement”). You also asked what happened to automated traffic enforcement bills recently proposed in Connecticut.

SUMMARY

According to the Insurance Institute for Highway Safety (IIHS), a nonprofit research organization funded by auto insurers, more than 400 communities in about two dozen states use red light cameras, and more than 40 jurisdictions in about one dozen states use speed cameras. We provide a list of those states and jurisdictions below.

Several studies by various groups have found that these programs reduce speeding and the front-into-side collisions associated with red light violations. But some of the studies also show that the use of red light cameras increases the number of rear-end crashes.

The legislature has considered at least 15 bills on automated traffic enforcement since 2005, but did not enact any of them.

We attach OLR Report [2004-R-0540](#), which provides additional information on red light camera enforcement.

BACKGROUND***Automated Traffic Enforcement***

cameras and radar, to enforce traffic safety laws. According to IIHS, most automated traffic enforcement programs are designed to catch drivers who jump red lights, but they are being increasingly used to crack down on speeders.

Red light cameras are triggered when a vehicle enters an intersection after the light has been red for a set amount of time. Cameras record the date, time of day, time elapsed since the beginning of the red signal, vehicle speed, and license plate. Usually, tickets are mailed to owners of vehicles captured on camera.

Automated speed enforcement systems can use radar, lasers, or speed cameras to identify vehicles that exceed the speed limit by a predetermined amount. Typically, radar signals can trigger cameras to photograph vehicles speeding past a specified point. The date, time, location, and speed are recorded along with the photo. Unlike radar, speed cameras do not require that offenders be pulled over. Citations are mailed to violators.

Hazards of Running Red Lights

The use of red light cameras could help free police officers for other duties without compromising traffic safety. In testimony before the Pennsylvania House Committee on Transportation in 2007, an IIHS representative stated that running red lights and other traffic controls accounted for 22% of urban crashes and 27% of the crashes where there was an injury. According to IIHS, drivers who ran red lights were responsible for almost 200,000 crashes nationwide in 2005, resulting in nearly 165,000 injuries and more than 800 deaths (http://www.iihs.org/laws/testimony/pdf/testimony_slo_092507_rlc.pdf)

Hazards of Speeding

Speed cameras could help identify speeders without the need for a police presence or the risks of a high speed chase. According to the National Highway Traffic Safety Administration (NHTSA), speeding was a contributing factor in 31% of all fatal collisions in the U. S. in 2008, costing 11,674 lives. NHTSA estimated the total economic cost of speed-related collisions in 2000 at about \$ 40. 4 billion a year (<http://www-nrd.nhtsa.dot.gov/Pubs/811166.PDF>).

EFFICACY OF AUTOMATED TRAFFIC ENFORCEMENT

We found several studies of the effectiveness of automated traffic enforcement on-line. Their authors included the Federal Highway Administration (FHWA), state and regional agencies, and IIHS. Several of the studies looked at particular jurisdictions within a state, such as Oxnard, California. Others looked at programs statewide, such as those in Virginia. The FHWA study looked at seven jurisdictions in three states.

Several studies of red light cameras found their use tended to reduce the number of front-into-side, or right angle crashes, but increase the number of rear-end crashes, possibly because drivers aware of the cameras would brake suddenly to avoid driving through the red light. However, despite the increase in rear-end crashes, some of these studies still found that red light camera enforcement resulted in an economic benefit because the property damage and injuries caused by right-angle crashes tended to be more severe than that caused by rear-end crashes.

Federal Study. A comprehensive 2005 FHWA study examined red light camera programs in El Cajon, San Diego, and San Francisco, California; Howard and Montgomery counties and Baltimore, Maryland; and Charlotte, North Carolina. The study found a 25% decrease in right-angle crashes and a 16% reduction in those crashes resulting in an injury where cameras were used, but also found a 15% increase in rear-end crashes, with a 24% increase in such crashes causing an injury. Further analysis showed that right-angle crashes appeared slightly more severe in two of the seven jurisdictions but not in the other five. Even so, the report found, there would still be positive economic benefits from the use of red light cameras. The report (<http://tfhrc.gov/safety/pubs/05049/index.htm>) also found that red light cameras would be most beneficial at sites where there are relatively few rear end crashes and many right-angle ones.

Virginia Study. A Virginia Transportation Research Council evaluation of red light enforcement programs in that state found that they contributed to a definite increase in rear-end crashes, a possible decrease in right-angle crashes, a net decrease in injury crashes attributable to red light running, and an increase in total injury crashes. "Therefore," it found, "cameras are leading to a net improvement in safety if, as might be expected, the severity of the eliminated red light running

crashes was greater than that of the induced rear-end crashes." The study called for a more detailed analysis to determine if the crashes that were prevented would have been more likely to cause severe injuries than rear-end crashes (<http://www.thenewspaper.com/rlc/docs/05-vdot.pdf>).

IIHS Studies. An IIHS evaluation of a red light camera program in Oxnard, California, published in 1999, found that camera enforcement reduced the red light violation rate by about 42%. Increases in compliance were not restricted to the camera sites, but occurred at other intersections as well (<http://76.12.31.254/rlc/docs/armey/99oxnard.pdf>). Another Oxnard study, published in 2002, showed a significant citywide reduction in intersection crashes, with crashes reduced by 7% and crashes where an injury occurred reduced by 29%; right-angle crashes were reduced by 32%, while right-angle crashes involving injuries were reduced by 68% (<http://ajph.aphapublications.org/cgi/reprint/92/11/1822>).

Evaluation of Montgomery County, Maryland's Safe Speed Program

Montgomery County, Maryland began its Safe Speed program in 2006. It uses speed cameras to photograph vehicles traveling 11 or more miles above the speed limit on residential streets or school zones with a speed limit of 35 mph. A September, 2009 study by the county's Office of Legislative Oversight found, among other things, that:

- the number of monthly citations decreased by an average of 78% from the program's first full month compared to the same month in the following year;
- of the half-million vehicles identified on camera over a two-year period, about two-thirds received only one citation, indicating that the accompanying \$ 40 fine deterred most drivers from speeding again;
- average speed where there were speed cameras declined by about 6% one year after the program began;
- after one year of enforcement, the percentage of vehicles exceeding the speed limit when passing camera sites was cut in half; and
- total reported collisions within one-half mile of the camera sites decreased by 28% in the year after the program began; collisions involving an injury or fatality declined by 39%.

The complete report can be found at http://www.montgomerycountymd.gov/content/council/olo/reports/pdf/2010-3_speed.pdf.

IIHS Studies

IIHS states that its studies show automated speed enforcement can substantially reduce speeding. According to IIHS, studies in Maryland, Arizona, and Washington, D. C. , found the proportion of drivers exceeding speed limits by more than 10 miles per hour declined by 70%, 95%, and 82%, respectively (http://www.iihs.org/research/qanda/speed_lawenf.html).

For example, in a study of automated speed enforcement in Montgomery County, Maryland, which implemented the first such state program in 2007, researchers measured vehicle speeds six months before and six months after speed cameras were deployed. Signs were installed warning of the speed enforcement program. Relative to comparison sites in Virginia, the proportion of drivers traveling more than 10 mph above posted speed limits declined by about 70% at Montgomery County locations with both warning signs and speed camera enforcement, 39% at locations with warning signs but no speed cameras, and 16% on residential streets with neither warning signs nor speed cameras http://www.stopredlightrunning.com/pdf/TC%20ADD%20Montgomery%20County%20Speed%20Study_08.pdf

STATE AUTOMATED TRAFFIC ENFORCEMENT LAWS

State laws on automated traffic enforcement vary greatly.

Connecticut is one of a number of states, including Indiana, Kansas, Minnesota, New Mexico, and Vermont, whose laws do not explicitly authorize automated traffic enforcement programs. However, counties and municipalities in some of these states, such as New Mexico, have local or regional automated enforcement programs.

Some states, such as Arizona, California, Delaware, Maryland, Rhode Island, and Texas, explicitly allow the use of speed cameras, red light cameras, or both. In some of these states, local jurisdictions must adopt an ordinance authorizing the use of these technologies. Some require a law enforcement officer to be present when the offense occurs.

Other states, such as West Virginia, prohibit the use of some or all forms of automated enforcement.

We have attached an IIHS list of the laws in each state. The list is also available online at http://www.iihs.org/laws/automated_enforcement.aspx.

AUTOMATED ENFORCEMENT BILLS PROPOSED IN THE LEGISLATURE SINCE 2005

As noted above, Connecticut law does not address the issue of automated traffic enforcement. We identified 15 bills on this topic that the legislature has considered since 2005, none of which was enacted into law.

Many of the bills would have allowed towns to draft ordinances authorizing the use of automated traffic enforcement; others would have allowed or required pilot programs in specific towns or on specific roads. We list the bills below, and provide more detail on those which were favorably reported by a legislative committee. We will be happy to provide you with additional information on any of these bills.

2005 session

HB 5744 would have allowed municipalities to authorize the use of automated traffic enforcement devices to enforce the provisions of ordinances regulating vehicle speed or state laws on speeding, traveling unreasonably fast, or obeying traffic signals. The Judiciary, Transportation, Planning and Development, and Public Safety committees favorably reported the measure, which died in the House.

2006 session

HB 5210, which would have allowed municipalities to use automated traffic

2007 session

In the 2007 legislative session, five proposed bills (SB 275, SB 439, HB 1443, HB 6378, and HB 6468) would have allowed the use or installation of traffic cameras. SB 439, which would have authorized a pilot program of automatic traffic enforcement by Avon and West Hartford on Rt. 44, was favorably reported by the Transportation and Planning and Development committees but died in the Judiciary Committee. HB 6468 and HB 6378 both died in the Transportation Committee. HB 1443 died in the Judiciary Committee after a public hearing. SB 275 died in the Transportation Committee after a public hearing.

2008 session

In 2008, SB 41, which would have required the public safety commissioner to create a pilot program for the installation of traffic cameras on I-95 in Old Lyme, died in the Public Safety Committee after a public hearing.

2009 session

In 2009, there were seven bills dealing with automated traffic enforcement (SB 149, SB 150, SB 421, HB 5258, HB 5522, HB 6080, and HB 6393). SB 421 and HB 5258 died in the Public Safety Committee, and HB 6080 died in the Transportation Committee. HB 5522 died in the Planning and Development Committee, and SB 150 died in the Transportation Committee, after public hearings. The Transportation Committee favorably reported substitute SB 149, which would have authorized New Haven to establish a two-year pilot program to evaluate automated traffic control signal enforcement, but the measure died in the Planning and Development Committee. Language in HB 6393 which would have required the public safety commissioner to establish an automated traffic safety program was deleted during the legislative process.

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RED LIGHT CAMERAS DO NOT VIOLATE THE CONSTITUTION

- **Red light cameras do not violate procedural due process**
 - Balancing test:
 - The interest affected is only a small fine.
 - There is little risk of erroneous deprivation because the accused has the right to a hearing to challenge the ticket.
 - The government has an important interest in deterring the life threatening activity of red light running.
 - It is infeasible to have police officers at every intersection.¹
 - A rebuttable presumption that the owner of the vehicle was driving does not violate procedural due process:
 - In the civil context, the government does not have to prove each element beyond a reasonable doubt and there is no due process impediment to shifting the burden of persuasion to the vehicle owner.
 - In the civil context there only has to be some rational connection between the fact proved and the fact presumed and it is rational to assume that registered owners commonly drive their own vehicles.²
 - While statutes that make the vehicle owner vicariously liable have been found to not violate due process³, when a statute provides “ample leeway” for a defendant to rebut the presumption that he/she was driving there clearly is no due process concern.⁴
- **Red light cameras do not violate substantive due process**
 - No one has a fundamental right to run a red light or avoid being seen by a camera on a public street, and having to pay a small fine does not involve a fundamental right. Therefore red light camera laws only have to pass the “rational basis” test – not “strict scrutiny.”
 - Under rational basis, the law simply must be rationally related to furthering a legitimate government interest and courts begin with a presumption that the law is valid and the burden of proof is on the party challenging the law to show that it is unconstitutional. The courts have

¹ See, e.g., Agomo v. Fenty, 916 A.2d 181, 191-94 (D.C. 2007); Sevin v. Parish of Jefferson, 621 F. Supp. 2d 372, 385-87 (E.D. La 2009).

² State v. Dahl, 87 P.3d 650, 654-56 (Ore. 2004); see also Kipler v. City of Arnold, 2009 U.S. Dist. LEXIS 63471 (E.D. Mo. 2009); City of Knoxville v. Brown, 284 S.W. 3d 330 (Tenn. Ct. App. 2008); Shavitz v. City of High Point, 270 F. Supp. 2d 702 (M.D.N.C. 2003)(vacated in part on unrelated issues by Shavitz v. Guilford Cty. Bd. of Educ., 2004 U.S. App. LEXIS 11104 (4th Cir. N.C. 2004)).

³ Idris v. Chicago, 552 F.3d 564 (7th Cir. 2009).

⁴ Agomo, 916 A.2d at 194.

found that automated enforcement laws easily pass this standard, even when such laws impose vicarious liability on vehicle owners.⁵

- **Red light cameras do not violate the Fourth Amendment**

- It is well established that people have a lesser expectation of privacy in vehicles because they are:
 - Visible on the public roads; and
 - Subject to pervasive and continuing government regulation and controls.⁶
- Automated traffic enforcement does not actually involve search or seizure (no “intentional acquisition of physical control”).⁷

- **Red light cameras do not violate the Fifth Amendment (privilege against self incrimination)**

- Permitting vehicle owners to shift liability by establishing someone else was in control of their vehicle at the time of the violation does not violate the Fifth Amendment; the government still must prove its case.⁸
- A photograph of a vehicle is not testimonial evidence and so is not barred by the Fifth Amendment.⁹

- **Red light cameras do not violate the Sixth Amendment (Confrontation Clause)**

- The Confrontation Clause applies to criminal, not civil, proceedings.
- Even in criminal proceedings, automated traffic cameras do not violate the Sixth Amendment because a camera is not a witness that is amenable to cross examination.¹⁰

⁵ Idris, 552 F.3d 564.

⁶ See, e.g., *California v. Carney*, 471 U.S. 386, 391-92 (1985).

⁷ *McNeill v. Town of Paradise Valley*, 2002 U.S. App. LEXIS 17306 (9th Cir. 2002) (quoting *Brower v. County of Inyo*, 489 U.S. 593, 596 (1989)).

⁸ *City of Knoxville*, 284 S.W. 3d at 339.

⁹ *Sevin*, 621 F. Supp. 2d at 381-82.

¹⁰ *Sevin*, 621 F. Supp. 2d at 382-83.

Automated Traffic Enforcement Laws Do Not Violate the U.S. Constitution

The courts have found that automated traffic enforcement laws do not violate the United States Constitution. The laws that the courts have analyzed have been similar to, or in some cases more expansive than the draft legislation, An Act Authorizing Municipalities in Connecticut to Use Automated Traffic Control Signal Enforcement Systems.

Procedural Due Process

Many automated traffic enforcement laws have been challenged on the grounds that they violate the procedural component of the Due Process Clause of the U.S. Constitution.

The U.S. Supreme Court has set forth a test for courts to use in evaluating procedural due process claims. Courts must look at: (1) the private interest that will be effected by the official action; (2) the risk of an erroneous deprivation of this interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. Mathews v. Eldridge, 424 U.S. 319, 335 (1976).

Courts applying this balancing test to automated traffic enforcement legislation similar to the Connecticut bill all have found the legislation does not violate procedural due process. The courts look at the fact that the private interest affected is only a small fine, and that there is little risk of erroneous deprivation of this interest because people have the right to a hearing to challenge any ticket they receive. Finally, they point to the importance of the government interest of deterring the life threatening activity of red light running and the infeasibility of having police officers at every intersection. See, e.g., Agomo v. Fenty, 916 A.2d 181, 191 (D.C. Ct. of App. 2007) (finding the District of Columbia's automated traffic enforcement law does not violate the Due Process Clause.)

Several courts have undertaken a similar analysis. For example, in 2009, a Federal District Court held that the Jefferson Parish, Louisiana red light ordinance did not violate the Due Process Clause, pointing out that the small fine imposed with no collateral damages was unquestionably a minor deprivation, while the opportunity to be heard by a disinterested decision maker provided ample process. Moreover, it focused on the strong government interest to preserve the safety of public roads, saying the United States Supreme Court has even described this interest as "paramount," as well as the important need to preserve financial resources by using cameras rather than law enforcement officers to monitor some violations. Sevin v. Parish of Jefferson, 621 F. Supp. 2d 372, 385-86 (E.D. LA 2009).

Several due process challenges to automated enforcement statutes have been based on the fact that the statutes create a rebuttable presumption that the owner of the vehicle was the driver. In rejecting such challenges, the courts, where applicable, have focused on the

fact that the statutes impose civil, not criminal, penalties. Unlike in the criminal context where the Due Process Clause requires the state to prove each element of a crime beyond a reasonable doubt, in the civil context the Due Process Clause poses no impediment to shifting the burden of persuasion to the defendant. See, e.g., Agomo, 916 A.2d at 192-94; Oregon v. Dahl, 87 P.3d 650, 654-55 (S. Ct. of Oregon 2004).

Moreover, in Oregon v. Dahl, the Oregon Supreme Court pointed out how the U.S. Supreme Court has held that to avoid a due process violation in a civil case, "it is only essential that there shall be some rational connection between the fact proved and the ultimate fact presumed, and that the inference of one fact from the proof of another shall not be so unreasonable as to be a purely arbitrary mandate." Usery v. Turner Elkhorn Mining Co., 428 U.S. 1 (1976). The Oregon court held Oregon law easily met this standard because it was rational for the legislature to assume that registered owners commonly drive their own cars. Oregon, 87 P.3d at 655-56. Therefore rebuttable presumption clauses in the context of civil automated traffic enforcement legislation do not violate procedural due process. See also Kipler v. City of Arnold, 2009 U.S. Dist. LEXIS 63471 (E.D. MO. 2009)(holding the Arnold, Missouri red light camera ordinance does not violate due process); City of Knoxville v. Brown, 284 S.W.3d 330 (Ct. of App. TN 2008)(holding the city of Knoxville's red light camera ordinance does not violate due process); Shavitz v. City of High Point, 270 F. Supp. 702 (M.D.N.C. 2003)(vacated in part on unrelated issues)(holding that North Carolina's red light camera law does not violate due process).

Significantly, laws with more of an impact on a property interest and less "process" than the draft legislation have been found to satisfy the Due Process Clause. For example, under Washington, DC's law, if someone does not successfully challenge a ticket and then does not pay the ticket, the District places a hold on vehicle registration renewals and notifies the governments of out-of-state vehicles about the outstanding fines. In Chicago, police officers are not required to appear at administrative hearings challenging fines. The 7th Circuit held that photographs are at least as reliable as live testimony and the Due Process Clause allows administrative decisions to be made on paper or photographic records without regard to the hearsay rule. Idris v. Chicago, 552 F.3d 564 (7th Cir. 2009).

Substantive Due Process

Some challenges have been brought under the substantive component of the Due Process Clause of the U.S. Constitution. These also have failed. For example, in Idris v. Chicago, the 7th Circuit recently found the argument that vicarious liability offends substantive due process to be "a dud." Substantive due process depends on the existence of a fundamental liberty interest (e.g., the right to marry). See Washington v. Glucksberg, 521 U.S. 702, 719-22 (1997). As the 7th Circuit explained in evaluating Chicago's automated enforcement law, no one has a fundamental right to run a red light or avoid being seen by a camera on a public street. The 7th Circuit further reasoned that the interest at stake in Chicago was a \$90 fine, and the Supreme Court has never held that a property interest so modest is a fundamental right. Therefore, the court does not need

to apply a “strict scrutiny” analysis to such legislation (compelling governmental interest/law narrowly tailored to meet that interest/least restrictive method.)

Courts therefore have instead applied the “rational basis” test to substantive due process challenges to automated enforcement statutes, where a law only must be rationally related to furthering a legitimate government interest. Moreover, under the rational basis test, courts begin with a presumption that the law is valid and the burden of proof is on the party challenging the law to show that it is unconstitutional. The courts have found that automated enforcement legislation, such as the Chicago law, easily passes this standard. For example, the 7th Circuit rejected the argument that vicarious liability is unconstitutional because it is rational to fine the owner of a car, rather than the driver, because a camera can show reliably which cars and trucks go through red lights, but is less likely to show who was driving. A system of photographic evidence reduces the costs of law enforcement and increases the proportion of all traffic offenses that are detected, and these benefits can be achieved only if the owner is held responsible.

Moreover, the 7th Circuit pointed out that legal systems often achieve deterrence by imposing fines or penalties without fault and this is rational because they increase owners' vigilance regarding who they lend their car to. Furthermore, owners often can pass the expense on to the real wrongdoer. The 7th Circuit also found that it is rational to impose a fine because a fine does more than raise revenue - it also discourages the taxed activity. The 7th Circuit stated that “[a] system that simultaneously raises money and improves compliance with traffic laws has much to recommend it and cannot be called unconstitutionally whimsical.” Idris, 552 F. 3d at 565-67.

Fourth Amendment

While Fourth Amendment “privacy” rights may immediately come to mind when thinking of challenges to red light camera laws, there have not been any strong challenges made under the Fourth Amendment. Perhaps this is because it is so well established that people have a lesser expectation of privacy with vehicles, in part because they are visible on the public roads and in part because they are subject to pervasive and continuing governmental regulation and controls, including periodic inspection and licensing requirements. See, e.g., California v. Carney, 471 U.S. 386 (1985). Moreover, automated traffic enforcement does not actually involve any issues search or seizure, which are the basis of the Fourth Amendment. See McNeill v. Town of Paradise Valley, 2002 U.S. App. LEXIS 17306 (9th Cir. 2002) (quoting Brower v. County of Inyo, 489 U.S. 593, 596 (1989) (holding it does not violate the Fourth Amendment to send a traffic citation to a registered owner of a vehicle based on a photo radar system; that does not constitute a seizure under the Fourth Amendment because there is no “intentional acquisition of physical control.”))

Fifth Amendment

Automated traffic enforcement laws have been found to not violate the Fifth Amendment privilege against self-incrimination. In City of Knoxville v. Brown, 284, S.W. 3d 330

(Ct. of App. TN 2008), the court rejected the argument that an automated traffic enforcement law violated the plaintiff's Fifth Amendment privilege against self-incrimination because it forced him to establish someone else was driving his vehicle in order to defend himself. Simply because vehicle owners are permitted to shift liability by establishing someone else was in control of their vehicle at the time of the violation does not amount to a Fifth Amendment violation. The Court explained that the City still must prove its case regardless of whether a defendant testifies or files an affidavit. See also Sevin v. Parish of Jefferson, 621 F. Supp. 2d 372 (E.D. LA 2009)(applying the same reasoning as City of Knoxville and also holding that a photograph of a vehicle is not testimonial evidence and so is not barred by the Fifth Amendment's Self-incrimination Clause.)

Sixth Amendment

Automated traffic enforcement laws have been found to not violate the Confrontation Clause of the Sixth Amendment (“[i]n all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him.”) As an initial matter, the Confrontation Clause applies in criminal proceedings and most automated enforcement statutes, such as the draft bill, involve civil proceedings. Moreover, even in criminal proceedings, automated traffic cameras have been found to not violate the Sixth Amendment because a camera is not a witness that is amenable to cross-examination, and so does not implicate the Confrontation Clause. Sevin v. Parish of Jefferson, 621 F. Supp.2d 372, 382-83 (E.D.LA 2009).

***AN ACT AUTHORIZING MUNICIPALITIES IN CONNECTICUT TO USE
AUTOMATED TRAFFIC CONTROL SIGNAL ENFORCEMENT SYSTEMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective October 1, 2010*) (a) For the purposes of sections 1 to 6, inclusive, of this act, "automated traffic control signal enforcement device" means a device that (1) is designed to automatically record the image of the license plate of a motor vehicle that is entering an intersection in violation of a traffic control signal, and (2) indicates on the recorded image produced the date, time and location of the violation and the traffic control signal.

(b) The governing legislative body of a municipality shall approve enabling legislation, and the mayor must sign such legislation, before automated traffic control signal enforcement devices may be used within the municipality's jurisdiction to enforce the provisions of section 14-299 of the general statutes. The enabling legislation may establish a fine not to exceed one hundred dollars for any violation of section 14-299 that is detected and recorded by such device.

After enabling legislation is enacted, the automated traffic control signal enforcement devices only may be used:

- (1) After approval by the State Traffic Commission; and
- (2) On streets in school zones or in other areas where data indicate that red light running and/or crash history is adversely impacting the health, safety, and general welfare of the municipality.

The automated traffic control signal enforcement devices may not be used on controlled access highways or State highways without further authorization of the State Traffic Commission.

(c) All costs of the automated traffic control signal enforcement device program shall be paid by the municipality using the devices.

(d) Prior to using automated traffic control signal enforcement devices, a municipality shall prepare a plan for the operation of the devices that shall include the name and location of the intersections where automated traffic control signal enforcement devices will be used, including the crash, fatality, and/or non-compliance data that supports targeting those locations. The plan shall be submitted to the State Traffic Commission for review and approval.

Sec. 2. (*Effective October 1, 2010*) (a) Whenever a violation of section 14-299 of the general statutes is detected and recorded by an automated traffic control signal enforcement device, a sworn police officer shall review the recorded image. If, after such review, such officer finds probable cause that a violation of section 14-

299 of the general statutes has occurred, the officer shall issue a citation for such alleged violation and shall, not later than five days after the alleged violation, mail such citation to the registered owner or the lessee of the motor vehicle together with a copy of the recorded image or images produced by the device. A citation shall not be issued under this subsection unless a sign was posted on the street, road, or highway where the automated traffic control signal enforcement device was used between 100 and 400 yards before the location of the device and at least two feet above ground level, not less than thirty days prior to such use, providing notice to operators of motor vehicles that such device may be used to enforce traffic control signal laws on such street, road, or highway.

(b) Any automated traffic control signal enforcement device used by a municipality pursuant to this section shall: (1) Be activated and record images only upon detecting the approach of a motor vehicle and a probable violation, and (2) be used only at an intersection where the duration of the yellow signal light is no less than the duration of the yellow signal light consistent with the approved traffic control plan of the State Traffic Commission for the subject signal.

(c) Any fine collected by a municipality pursuant to this section shall be deposited in a special traffic safety education, enforcement and improvement account established by each municipality.

(d) Any vendor contracted by a municipality to administer a traffic signal control enforcement program shall not be compensated on a per violation basis.

Sec. 3. (*Effective October 1, 2010*) (a) Every municipality that installs an automated traffic control signal enforcement device shall establish by ordinance a traffic control signal violation hearing procedure in accordance with this section. The Superior Court shall be authorized to enforce the assessments and judgments provided for under this section.

(b) The mayor of every municipality that installs an automated traffic control signal enforcement device shall appoint one or more traffic control signal violation hearing officers, other than police officers or persons who work in the police department, to conduct the hearings authorized by this section.

(c) Every municipality that installs an automated traffic control signal enforcement device may, not later than six months after the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged violation of section 14-299 of the general statutes detected and recorded by an automated traffic control signal enforcement device pursuant to section 2 of this act, send notice to the registered owner or the lessee of the motor vehicle by first class mail at such person's address according to the registration records of the Department of Motor Vehicles or the records of the lessor, respectively. Such notice shall inform the owner or lessee: (1) Of the allegations against such person and the amount of the fines or penalties; (2) that such person may contest such

person's liability before a traffic control signal violations hearing officer by delivering in person or by mail written notice not later than ten days after the date thereof; (3) that if such person does not demand such a hearing, an assessment and judgment shall enter against such person; and (4) that such judgment may issue without further notice.

(d) If the person to whom notice is sent pursuant to subsection (c) of this section wishes to admit liability for any alleged violation, such person may, without requesting a hearing, pay, in person or by mail to an official designated by the municipality, the full amount of the fines or penalties admitted to. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing by the tenth day after the date of the first notice provided for in subsection (c) of this section shall be deemed to have admitted liability, and the designated municipality official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines or penalties provided for by the applicable ordinances and shall follow the procedures set forth in subsection (h) of this section.

(e) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days or more than thirty days after the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation shall be filed and retained by the municipality, be deemed to be a business record within the scope of section 52-180 of the general statutes and be evidence of the facts contained therein. A person wishing to contest such person's liability shall appear at the hearing and may present evidence in such person's behalf. The presence of the police officer who authorized the issuance of the citation shall be required at the hearing if such person so requests. A designated municipality official, other than the hearing officer, may present evidence on behalf of the municipality. If the person requesting the hearing fails to appear, the hearing officer may enter an assessment by default against such person upon a finding of proper notice and liability under the applicable ordinance or statute, and shall follow the procedures set forth in subsection (h) of this section. The hearing officer may accept from such person copies of police reports, documents of the Department of Motor Vehicles and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

(f) Defenses. The hearing officer may consider in defense of a violation:

(1) That the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation. To demonstrate this, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner;

(2) That the person named in the citation was not operating the vehicle at the time of the violation, provided the owner submits a letter, sworn to or affirmed by the person, that:

(i) States that the person named in the citation was not operating the vehicle at the time of the violation;

(ii) States the name, driver's license number, and address of the person who was driving the vehicle; and

(iii) Includes any other corroborating evidence;

(3) That the driver was acting at the direction of a police officer;

(4) That the driver violated the traffic-control signal to yield to an approaching emergency vehicle;

(5) That the vehicle was part of a funeral procession; and

(6) Any other issues and evidence that the hearing officer deems pertinent.

(g) The hearing officer shall announce the hearing officer's decision at the end of the hearing. If the hearing officer determines that the person is not liable, the hearing officer shall dismiss the matter and enter the hearing officer's determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, the hearing officer shall forthwith enter and assess the fines or penalties against such person as provided by the applicable ordinances.

(h) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so

entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

(i) A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted not later than thirty days after the mailing of notice of such assessment by filing a petition to reopen such assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259 of the general statutes, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

Sec. 4. (Effective October 1, 2010) Notwithstanding any provision of the general statutes, a violation of section 14-299 of the general statutes detected and recorded by an automated traffic control signal enforcement device pursuant to section 2 of this act shall not constitute an infraction or violation, be processed by the Centralized Infractions Bureau, be considered a moving traffic violation, be reported to the Department of Motor Vehicles for inclusion on a person's driving record or cause the assessment of points against the operator's license of the person found to have violated said section.

Sec. 5. (Effective October 1, 2010) For the purposes of sections 1 to 6, inclusive of this act, whenever a violation of section 14-299 of the general statutes occurs, proof of the registration number of any motor vehicle involved in such violation shall be prima facie evidence that the owner of such vehicle was the operator of such vehicle at the time such violation occurred, except in the case of a leased or rented motor vehicle, such proof shall be prima facie evidence that the lessee was the operator of such vehicle at the time such violation occurred.

Sec. 6. (Effective October 1, 2010) A municipality that operates automated traffic control signal enforcement devices under this section shall, once every two years, submit a report to the General Assembly, in accordance with the provisions of section 11-4a of the general statutes, concerning the effect of the automated traffic control signal enforcement devices on traffic safety. Such report specifically shall include a comparison and analysis of: (1) The number of violations of section 14-299 of the general statutes that occurred at the intersections where such automated traffic control signal enforcement devices were used, prior to and during the use of such enforcement devices; (2) the number and type of related traffic violations and accidents that occurred at such intersections prior to and during the use of such enforcement devices; and (3) the number of violations of section 14-299 of the general statutes and related violations and accidents that occurred at intersections where such control signal enforcement devices were used and at similar intersections where such automated traffic control signal enforcement devices were not used. The report shall also describe situations in which camera results could not be used, or were not used; the number of leased, out-of-state or other vehicles, including trucks, where enforcement efforts were unsuccessful; the

amount of revenue from fines retained by the municipality; the cost of such program to the municipality, and such other data or comparisons deemed of interest or importance by the municipality. The report also should evaluate the administration of the use of automated traffic control signal enforcement devices, including how many times a citation was challenged and the outcome of the challenge.

| | | |
|---|-----------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2010 | New section |
| Sec. 2 | October 1, 2010 | New section |
| Sec. 3 | October 1, 2010 | New section |
| Sec. 4 | October 1, 2010 | New section |
| Sec. 5 | October 1, 2010 | New section |
| Sec. 6 | October 1, 2010 | New section |

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 10 \$ | FY 11 \$ |
|-----------------|-------------------|---------------|---------------|
| Treasurer | TF - Revenue Gain | Indeterminate | Indeterminate |

Note: TF=Transportation Fund

Municipal Impact:

| Municipalities | Effect | FY 10 \$ | FY 11 \$ |
|--------------------------------|-------------------|---------------|---------------|
| Any that choose to participate | Revenue Gain/Cost | Indeterminate | Indeterminate |

Explanation

The bill authorizes a program of automated traffic control signal enforcement in municipalities in Connecticut, upon the approval of municipal mayors, boards of aldermen, and local traffic authorities, as well as the State Traffic Commission. It

allows municipalities to establish a fine of up to \$100 for any violation captured by the automated devices. The revenue from these fines would be deposited into a special traffic safety education, enforcement, and improvement account established by each municipality. It is uncertain if the revenue generated by any such devices and collected by municipalities would exceed the capital and operating costs necessary to support the devices and associated administrative costs to process violations. Therefore most, and perhaps even all of the revenue collected, likely will go towards implementing and operating the automated traffic control signal enforcement program.

The Out Years

The annualized ongoing costs indicated above would continue into the future subject to inflation; the annualized ongoing revenue would depend upon the number of devices posted and the number of violations, but would otherwise remain constant since fines cannot be more than \$100 under the bill.

OLR Bill Analysis

AN ACT AUTHORIZING MUNICIPALITIES IN CONNECTICUT TO USE AUTOMATED TRAFFIC CONTROL SIGNAL ENFORCEMENT SYSTEMS.

SUMMARY:

This bill authorizes all Connecticut municipalities to operate automated traffic control signal enforcement devices within their jurisdictions. It establishes (1) detailed procedures for locally adjudicating any citations issued and (2) a fine of up to \$100 for red light violations. Municipalities are authorized to retain the fine which must be deposited in a special traffic safety education, enforcement, and improvement account. Most, and perhaps even all of the revenue collected, likely will go towards implementing and operating the automated traffic control signal enforcement program. A sworn police officer must review any recorded images produced under the program before any citation may be issued. The bill requires municipalities implementing the devices to bear all the costs of the program.

The mayor, board of aldermen, and local traffic authority of a municipality, as well as the State Traffic Commission, must authorize the use of the automated traffic control signal enforcement devices. Prior to using automated traffic control signal enforcement devices, a municipality shall prepare a plan for the operation of the devices that shall include the name and location of the intersections where an automated traffic control signal enforcement devices will be used, including the crash, fatality, and/or non-compliance data that supports targeting those locations. The plan shall be submitted to the State Traffic Commission for review and approval.

A municipality that operates automated traffic control signal enforcement devices must, once every two years, submit a report to the General Assembly, concerning (A) the effect of the automated traffic control signal enforcement devices on traffic safety and (B) the process of administration of the use of automated traffic control signal enforcement devices.

The bill prohibits a violation issued under the automated traffic control signal enforcement program from being (1) considered an infraction or violation under state law, (2) processed by the Centralized Infractions Bureau, (3) considered a moving traffic violation, (4) reported to the Department of Motor Vehicles (DMV) for inclusion in a driving record, or (5) eligible for driver's license point assessment.

EFFECTIVE DATE: October 1, 2010

PROGRAM SPECIFICS

The bill defines an “automated traffic control signal enforcement device” as a device that (1) automatically records the image of the license plate of a motor vehicle entering an intersection in violation of a traffic control signal and (2) shows on the recorded image the date, time, and location of the violation and the traffic control signal. The bill specifies that whenever a traffic signal violation is detected by the automated equipment, the vehicle's registration number will be considered prima facie evidence that the vehicle's owner was its operator at the time the violation occurred. However, in the case of a leased or rented motor vehicle, the presumption will be that the lessee was the operator. The bill also contains several affirmative defenses, including that the owner of the vehicle was not operating the vehicle at the time of the violation.

After use of the devices has been authorized by a municipality, the municipality shall prepare a plan for the operation of the devices that shall include the name and location of the intersections where automated traffic control signal enforcement devices will be used, including the crash, fatality, and/or non-compliance data that supports targeting those locations. The plan shall be submitted to the State Traffic Commission for review and approval.

The automated enforcement devices used in the program may (1) be activated and record images only upon detecting the approach of a motor vehicle and a probable violation and (2) used only at intersections where the duration of the yellow signal light is no less than the duration of the yellow signal light consistent with the approved traffic control plan of the State Traffic Commission for the subject signal.

VIOLATION PROCEDURES

Issuance of Citations

A sworn police officer must review violations recorded by the automated devices. If after review, the officer finds probable cause that a violation occurred, the officer must issue a citation and has five days after the alleged violation to mail it to the registered owner of the vehicle along with copies of any images that were produced. Citations may only be issued if a sign notifying drivers that automated enforcement is in use was posted on the street between 100 and 400 yards before the location of the device and at least two feet above ground level, not less than thirty days prior to such use.

Prosecution of Violations

The bill requires every municipality that uses automated traffic enforcement devices to adopt an ordinance establishing a hearing procedure for violations. It also requires the municipality's mayor to appoint one or more hearing officers, who cannot be police officers or anyone else who works for the police department.

The bill gives municipalities up to six months after the expiration of the final period for the uncontested payment of fines, penalties, fees, and costs associated with violations detected and recorded under the program to notify the vehicle owner or lessee. The notice must be sent by first class mail to the address of the registered owner or lessee of the vehicle according to records of DMV or the lessor. The notice must inform the alleged violator:

1. of the allegations against him or her and the fines, penalties, costs, or fees due;
2. that the person has the right to contest the charges before a hearing officer by delivering written notice by mail or in person within 10 days of the date of the notice;
3. that if the person does not demand a hearing, an assessment and judgment must enter against him; and
4. that the judgment may issue without further notice.

If the person wishes to admit liability for the violation without requesting a hearing, the bill permits payment of the fine and any other amounts due, either in person or by mail, to an official the municipality designates. The payment is inadmissible in any civil or criminal proceeding to establish the person's conduct or any other person making the payment. If the person does not deliver or mail the written demand for a hearing within the 10-day period, he or she is deemed to have admitted liability and the person designated by the municipality must certify the failure to respond to the hearing officer. The hearing officer must enter and assess the fine and any other charges and proceed.

Hearings

Anyone requesting a hearing must be given written notice of its date, time, and place. The hearing must be held between 15 and 30 days after the mailing date of the notice, except the hearing officer may grant a reasonable request for postponement or continuance for good cause. The municipality must file and retain an original or certified copy of the initial violation notice and it is deemed a business record under state law and considered evidence of the facts it contains.

The alleged violator may present evidence at the hearing on his or her own behalf and the police officer who issued the citation must be present at the hearing if the alleged violator requests it. A designated municipality official, other than the hearing officer, may present evidence on the municipality's behalf. If the person requesting the hearing fails to appear for the hearing, the hearing officer may enter an assessment of default upon a finding of proper notice and liability under the ordinance.

The bill permits the hearing officer to accept from the alleged violator copies of police reports, DMV documents, and other official documents by mail and may determine through them that the person's appearance is unnecessary. The hearing officer must conduct the hearing in the order and form, and with methods of proof, the officer deems fair and reasonable. Rules on admissibility of evidence must not be applied strictly, but all testimony must be given under oath or affirmation. The officer must announce a decision at the hearing's end. If the officer finds the person is not liable for the violation, the officer must dismiss the case and enter a written determination accordingly. If the officer finds the person liable for the violation, the officer must assess the fine and any other charges applicable under the ordinance.

Judgment of Assessment

If the assessment is not paid when the decision is entered, the hearing officer must send an assessment notice to the person by first class mail and file a certified copy with the clerk of a Superior Court designated by the chief court administrator with an \$8 entry fee. The court filing must occur not less than 30 days or more than 12 months after the assessment mailing. The certified copy constitutes a record of assessment. Multiple assessments against the same person within a 12-month period may be accrued and filed together as one record of assessment. The bill requires the court clerk to enter judgment against the person in favor of the municipality in the amount of the record of assessment and court costs of \$8. Notwithstanding any other state laws, the hearing officer's assessment, when entered as a judgment, has the effect of a civil money judgment and a levy of execution on the judgment may issue without further notice to the violator.

Appeal to Superior Court

The person against whom the assessment has been entered may appeal to the Superior Court within 30 days after the mailing of the assessment notice. The

appeal may be made by filing a petition to reopen the assessment together with an entry fee equal to the amount required under state law for a small claims case. The chief court administrator must designate the court to hear appeals. The person is entitled to a hearing in accordance with the court rules.

REPORT

Any municipality using the devices must submit a report to the General Assembly once every two years concerning the effect of the automated traffic control signal enforcement devices on traffic safety. Such report specifically shall include a comparison and analysis of:

1. the number of violations that occurred at the intersections where the automated enforcement system was used both before and during the period of the program;
2. the number and type of related traffic violations and accidents that occurred at those intersections both before and during the period of the program; and
3. the number of traffic light violations, related violations, and accidents that occurred at intersections where automated enforcement devices were used and at similar intersections where they were not used.

The report must also describe (a) situations in which the camera results could not be or were not used; (b) the number of leased, out-of-state, or other vehicles, including trucks, where enforcement efforts were unsuccessful; (c) the revenue from fines retained by the municipality; (d) the cost to the municipality of the program; and (e) any other data or comparisons the municipality deems of interest or importance. The report also must include an analysis of the administration of the use of automated traffic control signal enforcement devices

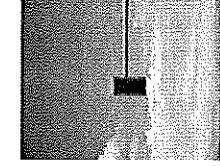
BACKGROUND

State Traffic Commission Standards for Yellow Light Cycle

State Traffic Commission regulations governing traffic light cycles specify that the yellow change interval of a traffic signal should be in the range of three to six seconds (Conn. Agencies Regs. § 14-298-713).

Why Red Light Camera Legislation is Needed in Connecticut

- » Red Light Camera Enforcement is a response to a public safety crisis, not a budget crisis.
- 2006: In CT, 3,500 motor vehicle collisions were associated with **traffic control violations** (primarily red light running), of which 60% resulted in injuries.
- 2006: In CT, 2,001 accidents involving traffic control violations involved injuries and caused **nine deaths**.
- Collisions place unnecessary strain on US health care and economy: **\$160 Billion** per year due to all crashes (AAA).



Automated Red Light Enforcement

Benefits, Myths and Facts

Connecticut Livable Streets Campaign, November 2009

What are the Benefits of the Proposed Red Light Camera Legislation?

Reduce crashes and their severity.
Prevent severe injuries and save dozens of lives in Connecticut.
Safer Streets make communities more walkable, bikable, drivable, and livable.
Provides an enforcement resource not currently available; allows police to devote time to other community priorities
Meets new community standards. The public wants and expects red light cameras.
A growing number of cities and states use them for fair and consistent enforcement of the law. There are many safeguards to prevent misuse.
This legislation gives each municipality the *option* to make their streets safer and more livable.

Who Supports Automated Red Light Enforcement?

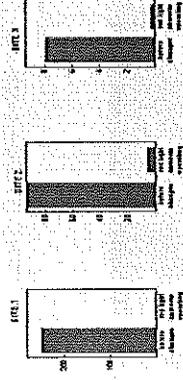
- » 2002 NHTSA/Gallup nationwide survey:
75 percent of drivers favor the use of red light cameras
- » 2009 Public Opinion Strategies nationwide poll:
69% favor (45% "strongly"), 29% oppose (18% strongly)
- » Connecticut supporters include: City of New Haven, Connecticut Conference of Municipalities, Connecticut Livable Streets Campaign, Connecticut Police Chiefs Association, Elm City Cycling, State Division of Criminal Justice, Yale Medical Campus Traffic Safety Group, and others

Where are Red Light Cameras Used?

Over 400 Cities and Towns use Automated Red Light Enforcement Cameras, including:

Albuquerque, NM
 Arlington, VA
 Atlanta, GA
 Baltimore, MD
 Chicago, IL
 Columbus, OH
 Denver, CO
 Houston, TX
 Los Angeles, CA
 New York, NY
 Philadelphia, PA
 Providence, RI
 Raleigh, NC
 San Francisco, CA
 Seattle, WA
 Washington, DC

RED LIGHT VIOLATIONS PER 10,000 VEHICLES AT PHILADELPHIA SITES WITH CAMERAS



Source: Insurance Institute for Highway Safety (IIHS) 2007

Results: 87%-100% decline in R.L. running at intersections (a few examples shown here):

Myth 1: "Automated Enforcement violates S. Constitution"

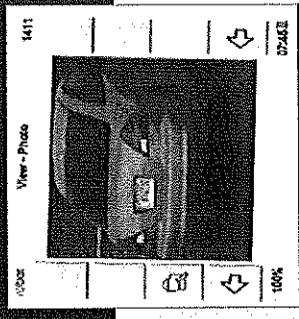
Fact: State and Federal courts have repeatedly upheld automated enforcement legislation, including legislation that is more expansive than the CT proposal

Unsuccessful challenges in the courts:

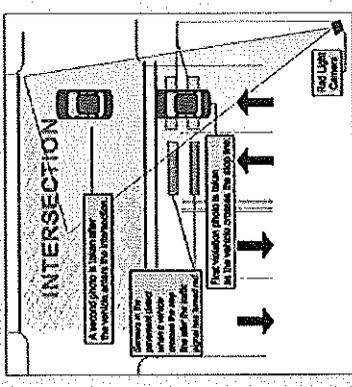
- Procedural due process
- Substantive due process
- Fourth Amendment
- Fifth Amendment
- Sixth Amendment

How Red Light Cameras Work

1. Vehicle enters intersection after signal has turned red. Camera photographs (1) vehicle's license plate (2) entire intersection: No individuals can be identified in either.
2. A sworn Police Officer reviews photos to determine any legitimate reason for the vehicle to be in the intersection (e.g. moving out of way for ambulance)
3. If Officer determines there is probable cause to believe there was a violation, he/she sends notification to the owner (or lessee) of the vehicle within 5 days
4. Owner receives violation in mail and has option to view images at a secure online link. Owner has option to either pay the fine or challenge the violation.



Above: ROBOT TrafficStar-SRS20 sample photo from red light camera



Myth 2: "All we need to catch red light runners is more police on the streets"

- » Fact: It is impossible for law enforcement to adequately and safely patrol hundreds or even thousands of intersections in an urban area.
- » Traditional enforcement requires a law enforcement officer to observe the violation, and then chase, stop, and cite the violator. This almost always means chasing a driver through a red light, potentially resulting in danger to the officer, motorists, and pedestrians.
- » As a result, red light running in urban areas largely goes unchecked, contributing to a culture of non-compliance that cannot be controlled with current levels of law enforcement funding.

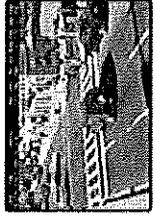
On urban roads, fatal Red Light Running crashes are more likely than any other fatal crashes.

--Federal Highway Administration Safety Program

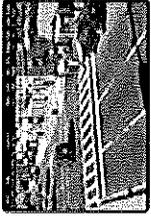
3: "My partner is going to open my
and catch me with my lover!"

Fact: Photos are taken of license
plates, not the driver or others
occupants of the vehicle.

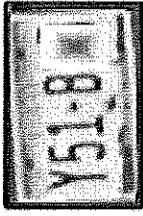
Fact: Red light camera legislation
requires devices to record only
on detecting the motor vehicle
violation



First Image - Before Shot of Violation



Second Image - Shot of Vehicle in Intersection



License Plate Close-up from one of the violation images

5: "The City or Vendor will rig the system so that
tickets are issued and they make more money!"

Fact: The vendor will be paid a flat contract fee - not a
per violation fee. There will be no volume incentives,
and thus no monetary incentive to issue more tickets.

6: "An anonymous bureaucrat will be issuing
fines!"

Fact: A Sworn Police Officer will review each recorded
image to determine probable cause. Citations will be
mailed no later than five days after the alleged
violation. Sec. 2 (b)

Myth 4: "Automated Enforcement is only
about raising revenue!"

» Fact: Fines do more than raise revenue – they discourage the
targeted activity!

Fact: Revenue generated by Red Light Camera Enforcement
will NOT be deposited in the General Fund but in a special
account for traffic safety, education and enforcement. Sec. 2 (c)

Fact: The fiscal outcome of Automated Red Light Camera
Enforcement has been mixed due to drastic reductions in
violations after installation

- For a municipality, the cost of the installation and administration of
this program may exceed the revenue generated

*"A system that simultaneously raises money and improves compliance
with traffic laws has much to recommend it and cannot be called
unconstitutionally whimsical."*

Jettis v. Chicago, 552 F. 3d, 564-566 (7th Cir. 2009)

10

Myth 7: "The municipal hearing process will be unfairly
administered and I won't have an opportunity to appeal."

Fact: The red light enforcement process is modeled
after the parking ticket process that is currently
administered locally. Sec. 3 (a-i)

- Just like with a parking ticket, alleged red light violators may
appeal the decision of the municipal hearing officer in Superior
Court

Fact: The civil penalty is not recorded on the owner's
driving record and is not reported to any insurance
agencies. Sec. 4

11

12

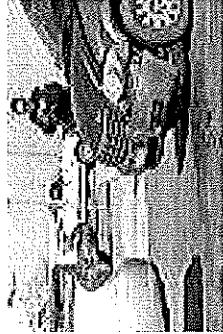
Myth 8: "Automated Enforcement does not save safety."

Fact: Side-impact crashes are reduced after installation of red light cameras.

Critics claim that small increases seen in rear-end crashes at some intersections off-set the benefits of side-impact reductions. However, this does not take into account that side-impact crashes are far more deadly or that in cities where red light cameras are used red light violations are reduced even at locations with no cameras installed.



SeymourHealth.com



laneviewing.com

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Myth 11: "The City will target certain neighborhoods these cameras."

Fact: The State Traffic Commission must approve the exact location of intersections where cameras will be installed. Sec. 1(d)

Fact: These cameras will be placed only where there is a proven crash history (e.g., multiple fatalities), major public safety concern (e.g., school zones), and/or proven non-compliance with traffic signals. Sec. 1(d)

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Myth 9: "The City will change the yellow light timing to trick drivers."

Fact: Yellow signal light timing must meet the minimum time requirements as established by the State Traffic Commission. Sec. 2 (b)

Fact: Every intersection with a camera will be clearly marked alerting drivers to the presence of the camera no less than 30 days before cameras are used. Sec. 2 (a)

Myth 10: "All the City needs to do is adjust the yellow light timing, and the problem solves itself!"

Fact: Yellow light timing extensions produce a 36% decline in the odds of a red light violation

» **Fact: Red light cameras reduce the likelihood of red light violations by 96%**

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Myth 12: "This is just Big Brother."

Fact: This is not general surveillance. Cameras will only impact drivers who are breaking the law, just as parking tickets only impact drivers who impact our safety and economy by parking their vehicles illegally.

- Section 2(b)(1) requires devices activated and recording images only upon detecting the approach of a motor vehicle and a probable violation

If problems arise, this program can be terminated by the General Assembly.

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13: "Red Light Camera Enforcement is an optional example of 'Guilty Until Proven Innocent.'"

Fact: This is not a criminal provision, so "innocent until proven guilty" is inapplicable.

The red light violation fine is the legal equivalent of a parking ticket.

This legislation provides affirmative defenses Sec. 3 (f)

- Vehicle or registration plates were stolen
- Owner was not driving
- Driver was acting at the direction of a police officer
- Driver was yielding to an emergency vehicle
- Vehicle was part of a funeral procession
- Other pertinent issues

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15: "Passing this legislation will open up a Pandora's box and these cameras will be everywhere!"

• This bill simply allows towns and cities the option of approving red light camera enforcement programs by local legislative bodies.

• Approval for the implementation of each municipal program ultimately resides with each town or city. This adds an extra layer of accountability for the management of the program. Should a town or city decide to enact their program, it could be done quickly through their own legislative process. Sec. 1 (b)

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Myth 14: "I'll get points against my license when I receive a violation."

Fact: Automated traffic control signal enforcement fines shall not:

- » Be processed by the Centralized Infractions Bureau
- » Be reported to the DMV for inclusion on a person's driving record or to cause assessment of points on the operator's license

Fact: Payment of the fine is inadmissible in any civil or criminal proceeding to establish the person's conduct.

Sec. 3 (c)

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About the *Connecticut Livable Streets Campaign*

Steering Committee coordinates advocacy for safe, walkable, equitable, healthy and economically vibrant streets and communities throughout Connecticut

Members support legislation related to transportation, law enforcement and public health:

- Complete Streets: SB735 took effect July 1, 2009
- Automated Red Light Enforcement Cameras
- Distracted driving laws: Texting while driving ban
- Safe Routes to Schools, Safe Routes to Transit
- Laws to protect vulnerable road users
- Improved mass transit and bicycle accommodation
- National transportation reform: T4America Coalition

» www.livablestreets.com/projects/ct-livable-streets/project-home

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Connecticut Livable Streets Campaign Engaging Committee Members (January 2010)

Abou-Antifalaje, West River Neighborhood Services Corporation (New Haven)

Abramson, Dixwell Community Management Team

Bechtel MD, Section of Pediatric Emergency Medicine, Injury Free Coalition for Kids,
Yale-New Haven Hospital

Bicker, Ward 10 Alderman (New Haven)

Burns, Transportation Alternatives Middletown

Carroll, Elm City Cycling

Chapman, Downtown-Wooster Square Community Management Team

Christmann, Executive Director, Westville Village Renaissance Alliance (New Haven)

Cohen, Ward 1 Alderman (New Haven)

Conner, Senior Planner, Tri-State Transportation Campaign

Conner, Yale Medical Campus Traffic Safety Group

Conner, Elm City Cycling

Conner, Romanysyn, Yale Medical Campus Traffic Safety Group

Conner, Downtown-Wooster Square Community Management Team

Conner, Yale Medical Campus Traffic Safety Group

Conner, Elm City Cycling

Conner, Former Ward 14 Alderwoman (New Haven)

Conner, Elm City Cycling



January 22, 2009

Hon. Ina L. Silverman
Alderman, Ward 25
City Of New Haven
Board Of Alderman
25 Woodside Terrace
New Haven, CT 06515

Hon. Erin Sturgis-Pascale
Alderman, Ward 14
City Of New Haven
Board Of Alderman
332 Front Street
New Haven, CT 06513

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
OF CONNECTICUT
2074 PARK STREET
SUITE L
HARTFORD, CT 06106
T/860.523.9146
F/860.586.8900
WWW.ACLUCT.ORG



Dear Ms. Silverman and Ms. Sturgis-Pascale:

Thank you for requesting my input regarding traffic camera systems and their impact on civil liberties. I did some research and have some feedback that I'd like to share.

There are two main problems with these traffic camera systems. The first concerns privacy. The second concerns due process. The main privacy concern is that these traffic cameras are likely to be abused. Experience shows that once this kind of surveillance system gets put into place, it rarely remains confined to its original purpose. New applications for the technology develop and the authorities use these cameras in ways beyond their intended use.

For example, in Texas, authorities photographed thousands of drivers who were crossing the border into Oklahoma. The Texas authorities then sent surveys to all of the drivers and asked them to fill them out. Although this use appears harmless, this kind of data collection can have far reaching consequences. The Detroit Free Press investigated a police database, called the Law Enforcement Identification Network (LEIN), and found widespread abuse. Specifically, the investigation found that it was "commonplace" for officers to use LEIN to check up on woman. In addition, it found LEIN was used to threaten motorist, track estranged spouses, stalk women, or even intimidate political opponents.¹

¹ http://www.freep.com/news/mich/lein31_200107311.htm

The second problem with traffic cameras is that they threaten the presumption of innocence. Since traffic camera systems ticket the vehicle not the driver, these systems require a presumption that the owner was driving at the time of the infraction. Therefore, the burden of proof is on the driver to show otherwise and is inapposite to the bedrock American principal that we are all innocent until proven guilty.²

Furthermore, many current traffic camera systems are installed under contracts that deliver a cut of ticket revenue to the contractor. This arrangement creates an obvious incentive to “game” the system in order to increase revenue. It also perpetuates the stereotype of government corruption, cultivating cynicism and suspicion. Similar problems arise when the law enforcement agencies that install the cameras are paid a percentage of the fines they collect. Using a baseball analogy, this system is like paying umpires for the number of strikes they call. Police departments and contractors should not get financial incentives to create violations.

Municipalities that insist on using red light cameras should adopt regulatory safeguards to ensure that citizens’ rights are protected. Some suggested regulations are as follows:

- Prohibit systems from recording or retaining any data that is not evidence of a violation. And also only allow this information to be used for processing the citation and prohibit using it for any other purpose.
- Restrict the systems’ recording function so that only the driver (and not the occupants) are photographed.
- Make sure that revenue from photo enforcement systems doesn’t go to system contractors, the police, or anyone else who might have an incentive to “game” the system to unfairly increase citations.
- Publish and post a list of traffic light camera location and indicate their presence with signs at any intersection where they are installed (e.g., internet and newspaper listings).
- Subject traffic camera systems to regular independent technical audits to verify that they are operating properly, and make public the source code of the system’s operating software so that their inner workings can be publicly scrutinized. For example, these systems typically record the time elapsed between the moment the

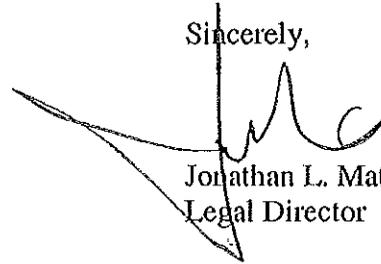
² House Majority Leader Dick Armey made this point in testimony before a House subcommittee, available at <http://www.freedom.gov/auto/news/testimony.asp>

light turned red and when a vehicle enters an intersection. An audit would make ensure the accuracy of that measurement.

- Require that systems to record not only the time elapsed since the light turned red, but also the time elapsed since the light turned yellow. That would lay to rest any suspicions that operators have intentionally shortened yellow light times to boost citations. It would also deter operators form doing so.

These are just some of the ways that these systems can be regulated to protect citizens' rights and safeguard against abuse. I would be happy to meet with you and discuss these issues either formally at a public hearing or informally over a cup of coffee. Thank you again for inviting my input. I look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Matthews', written over a horizontal line.

Jonathan L. Matthews
Legal Director



Please Oppose Senate Bill 149 and Vote Against Installing Red Light Traffic Cameras.

Traffic Cameras Deny Due Process to Motorists.

- Presently, when someone receives a traffic violation, the officer who provides the ticket makes the motorist immediately aware of the violation. With red light cameras, however, it may be days before a person is given notification of a citation. The longer time duration makes it more difficult to recall details and adversely affects the driver's ability to challenge the ticket. How many of us would have difficulty remembering information about driving through intersections just yesterday. In addition, the system is based on the imperfect assumption that the driver of the car and the person to whom the car is registered are one and the same, as tickets are issued based on car registration information. In many instances, of course, this assumption is not true, but the owner of the car will nonetheless be forced to pay. At a minimum, the burden of proof falls on him or her to prove he or she was not driving at the time, turning the basic presumption of "innocent until proven guilty" on its head.

Do We Really Want "Big Brother" at Every Intersection?

- The ACLU's privacy concern is simple. While the invasion of privacy occasioned by this system may seem minor, any implementation of a system that leads to widespread installation of cameras throughout the state cannot be ignored or minimized. As surveillance cameras of any kind become more ubiquitous, a further desensitization of privacy rights is inevitable.
- Plus, we must note the troubling private-public connection with red light camera systems. These cameras and devices are generally installed and maintained by private entities. The financial incentive to alter sensor equipment to ensure that more "violators" are fined—and thereby increasing the amount of money the private entity receives, as a percentage of the total fines gathered—is high enough to create additional corruption concerns. In fact, San Diego disconnected cameras at intersections after it was demonstrated that the company in charge of maintaining the cameras placed some cameras too close to the intersection and shortened signal timing.

Traffic Cameras do NOT make us Safer.

- There are also serious questions about whether red light cameras live up to claims of improved safety. In 2005, the Federal Highway Administration released a safety evaluation of red light cameras in seven American cities which concluded that the reduction in side-impact collisions at monitored intersections is wholly or largely offset by an increase in rear-end accidents. The study found that while the overall number of side-impact crashes was reduced by 379, rear-end crashes (resulting mainly from motorists quickly applying the brakes at monitored intersections) increased by 375. One city observed for the study actually saw an increase in both types of crashes after installing traffic cameras. The same study found a similar trend for injuries resulting from these crashes, with side-impact crash injuries falling 15.7 percent and rear-end crash injuries escalating by 24 percent.
- The American Automobile Association (or "triple A"), perhaps the most respected advocate for traffic safety in the country, has widely criticized the use of "red light cameras." They called Washington D.C.'s camera program "a shakedown" and said that "it is clear that money and not law enforcement" or safety is the main motivation behind the program. And this seems to be true based on a 2005 study by the Washington Post that found despite 500,000 violations and \$32 million in revenue under the 6-year program, crashes at locations with cameras more than doubled, injuries and fatalities climbed 81 percent, and side impact crashes rose 30 percent. The AAA (triple A) has offered a low cost solution to the problem – lengthen the time for yellow lights. One study concluded that simply increasing yellow light times could reduce side impact accidents by up to 90 percent.

February 16, 2010

Mr. Don O. Noel, Jr.
Chair, Connecticut Chapter of the American Civil Liberties Union
2074 Park St., Suite L
Hartford, Connecticut 06106

Dear Mr. Noel,

I am a member of the Connecticut Livable Streets Campaign and wanted to contact you about legislation our organization is working to get passed by the Connecticut Legislature this session: An Act Authorizing Municipalities in Connecticut to Use Automated Traffic Control Signal Enforcement Systems. A copy of our proposed language for this year's bill is attached. A different version of this legislation was introduced last spring. As you can see from the attachment, in January 2009, your Legal Director, Mr. Jonathan Matthews, provided us with suggestions of measures that would address your organization's privacy and due process concerns about red light cameras. We were very appreciative of this feedback and believe the current version of our draft legislation addresses these concerns. We have tried to follow-up with your organization to discuss the changes we have made, but have not been able to connect with anyone, perhaps because of turnover at the organization. We would be very happy to meet with you and/or others in your group at any time to discuss this important public safety measure.

Before addressing several of the ideas Mr. Matthews suggested, we wanted to emphasize that no red light camera statutes have been found to violate the U.S. Constitution. Courts have consistently found them to withstand due process challenges, as well as allegations that they violate the Fourth, Fifth, or Sixth Amendments of the Constitution. A summary of this case law is also attached.

Accordingly, the claim that red light cameras threaten the presumption of innocence because they shift the burden to the driver to prove he or she was not driving the vehicle at the time of the violation is without merit. Court after court has found red light cameras do not violate due process. The "process" provided in our draft bill is consistent with the process provided in other cities and states, where the courts have found the statutes easily meet the standard of due process required in the civil context, which is much different than what is required in the criminal context. In fact, the 7th Circuit has even found it constitutional to fine the owner of the vehicle, without allowing for the affirmative defense that someone else was driving the vehicle at the time of the violation, a provision that is included in the Connecticut proposal.

Moving to the suggestions provided by Mr. Matthews:

- One suggestion was to only allow the driver, and not the occupants of a vehicle, to be photographed. This suggestion shows the confusion that exists over red light cameras. While the cameras do take an aerial photo of the intersection, it is impossible to see the identity of who is in the vehicle from this long distance photo. The only "close-up" photo is of the license plate of the vehicle. (We thought the attached "Myth-Fact" document might be helpful in better explaining this issue, as well as other misconceptions about red light cameras).

- Mr. Matthews also expressed a concern that either a contractor or the police would get revenue from the system, creating an incentive to “game” the system. The draft legislation has two provisions to address this concern. First, contractors only could be paid a flat fee, not a per violation fee. Second, any revenue would go into a special traffic safety education, enforcement, and improvement account. Moreover, realistically, most of the revenue will go into paying for the equipment.
- The legislation would require signs to be placed between 100 to 400 yards before the location of the device and at least two feet above the ground, not less than 30 days before the device is used. This addresses the notice concern Mr. Matthews raised.
- The concern that yellow lights will be shortened to boost citations is addressed by a provision in the draft bill which requires that cameras only be used at intersections where the duration of the yellow light is consistent with the approved traffic control plan of the State Traffic Commission for the subject signal.

We also want to emphasize that the proposed legislation would not require any municipality to install red light cameras. It only would enable municipalities to do so at targeted, dangerous intersections if their local government officials, and the State Traffic Commission, approve the plan. Moreover, a sworn police officer must review every violation recorded by a red light camera and, if the officer finds probable cause of a violation, must issue a citation not less than five days after the violation. This provides the owner of the vehicle notice very soon after the violation, allowing them to effectively raise an affirmative defense if one is applicable.

We are committed to ensuring this legislation is enacted because it is a critical public safety measure. However if the ACLU has additional concerns about it, we are open to making changes to address these concerns. Please let us know if you would like to discuss the draft legislation. We would be delighted to have the opportunity to discuss it with you and work together to make Connecticut safer.

Thank you in advance for your attention to this matter.

Respectfully,

Erin Sturgis-Pascale
On behalf of the Connecticut Livable Streets Campaign
332 Front Street
New Haven, CT 06513
tel; 203.530.0256

Cc: Correspondence with Jonathan Matthews, January 2009
2010 Proposed Red Light Camera Legislation
Red Light Camera Myth/Facts
Red Light Cameras do not violate the Constitution

SeeClickFix: Community-reported issues

Traffic signal issues acknowledged by Connecticut Livable Streets Campaign

http://www.seeclickfix.com/watch_area/1019

New Haven, CT area

example: graffiti or pothole

Results per page: 200

Open Closed Archived Acknowledged

Issues

Dangerous Intersection 1 person wants this fixed
Lewis St and Front Street, New Haven, CT 06513
Three way stop with stop signs that nobody pays attention to. How a...

Speeding 1 person wants this fixed
122 Day St, New Haven, CT 06511
388 PWL - CT Black Toyota Corrola around 4:30 each afternoon is sp...

Traffic Light Issue 3 people want this fixed
103 W Prospect St, New Haven, CT 06515
Alternate traffic lights flip from green to red at this interseccio...

No Turn on Red 2 people want this fixed
447 Crown St, New Haven, CT 06511
This intersection should be an embarassment for the NHPD. There is ...

Reckless Driver 1 person wants this fixed
275 Orchard St, New Haven, CT 06511
388 PWL - CT Black Toyota Corrola around 4:30 each afternoon is sp...

4 way stop ignored by 90% of drivers 3 people want this fixed
196 Concord St, New Haven, CT 06512
Too many drivers coming down Concord are completely blowing through...

Traffic still moving during red lights 3 people want this fixed
Farminton Ave Hartford CT

report an issue

Map Hybrid

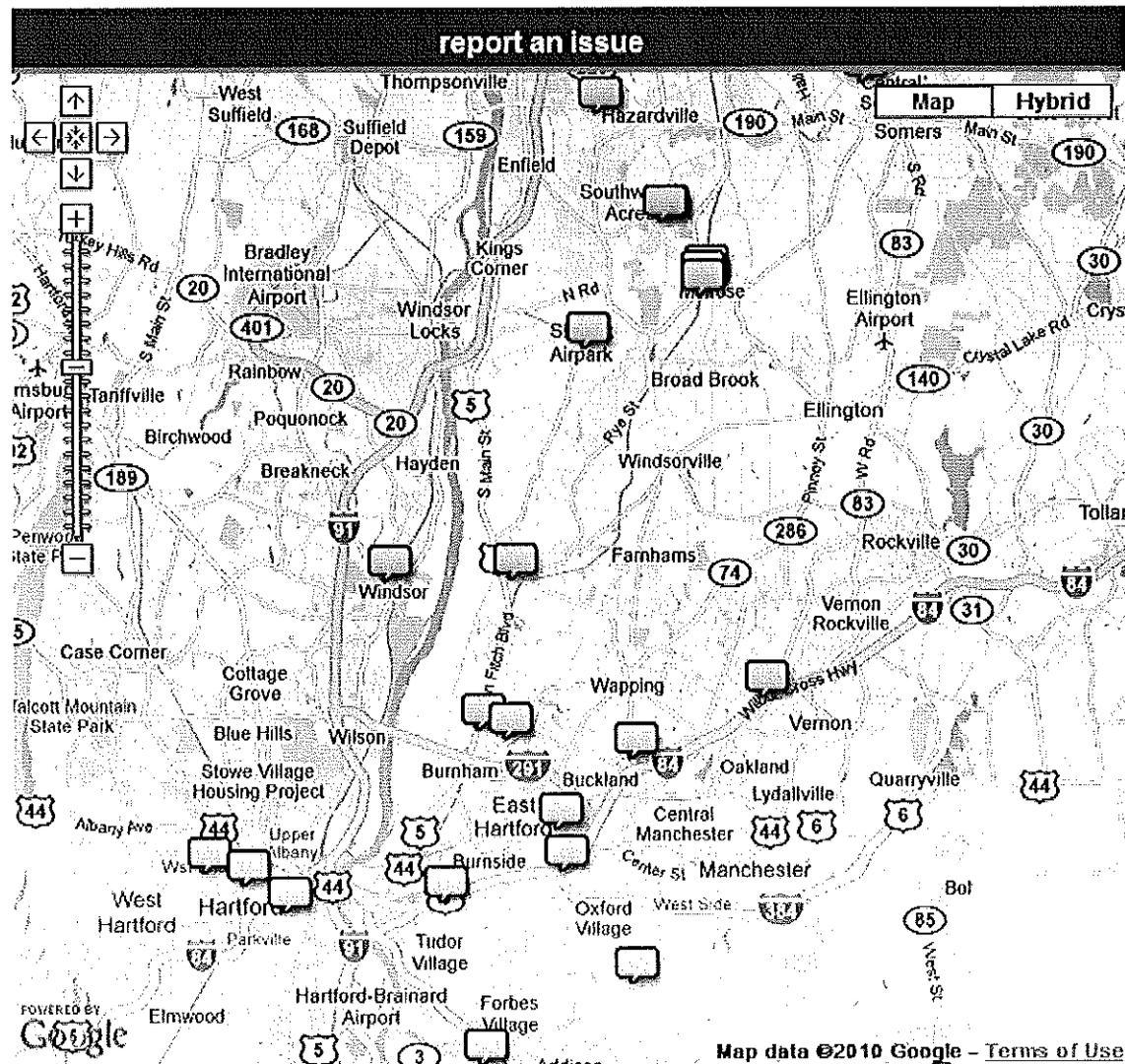
Map data ©2010 Google - Terms of Use

SeeClickFix: Community-reported issues

Traffic signal issues acknowledged by Connecticut Livable Streets Campaign

http://www.seeclickfix.com/watch_area/1019

Hartford, CT area



Open Data: GeoRSS | JSON | KML | XML

NEW HAVEN Advocate

News

Red-Light Camera: Go

A driving force behind safer streets asks the state for red-light cameras

By Betsy Yagla

Wednesday, December 23, 2009

Shortly after a hearing about the use of red-light cameras in New Haven, I was nearly hit by a black Mercedes SUV speeding through a red light.

Unfortunately, I'm not alone: Too many people in New Haven are endangered by red-light runners.

Board of Aldermen president Carl Goldfield says he's had two near-misses.

"I've almost been run over twice crossing Whalley Avenue in the morning," he says. "People are just in such a rush to get to work. I always tell my wife and children, 'Do not cross an intersection in New Haven just because you have the light. Wait until you see everyone stop.'"

Traffic-safety crusading alderwoman Erin Sturgis-Pascale is making one last-ditch effort to change that. One of her friends was killed by a red-light runner in 2006.



betsy yagla photo

Erin Sturgis-Pascale: Ticket law breakers.

At Sturgis-Pascale's last aldermanic hearing (she did not run for re-election; her term ends this month), held last week, her City Services and Environmental Policy Committee voted for a resolution asking the state legislature to pass a law that would allow cities like New Haven to install and use cameras to ticket drivers for running red lights. Before the resolution is sent to the state legislature, it needs to be voted on by the full Board of Aldermen.

For half a decade New Haven has asked the state legislature to pass such a law. Every year the bill is either defeated or it dies in committee.

"The idea [behind the resolution] is to exert pressure on the New Haven delegation, so they could exert pressure on their colleagues in Hartford," Sturgis-Pascale says.

A resolution in support of traffic cameras may be as pointless as the resolution calling for an end to the Iraq War and the resolution against the use of nuclear weapons, both passed by the Board of Aldermen in early 2008.

Neither resolution, obviously, had any effect on the war or nukes.

Still, there's hope. There's a growing grassroots movement behind traffic safety in New Haven since the 2008 deaths of Yale med student Mila Rainof and 11-year-old Gabrielle Lee, who were killed in separate accidents, both while crossing the street.

Ten people, including Sturgis-Pascale and Police Chief James Lewis, testified in favor of red-light cameras at last week's hearing; no one spoke against them.

In a 2002 red-light camera pilot program New Haven filmed three intersections during a 48-hour stretch. The cameras picked up 870 traffic violations — an average of one every three minutes.

Passing a red-light camera law would allow — not force — towns and cities to take photos of red-light runners' license plates and issue \$100 tickets.

"And that's a discount," says Sturgis-Pascale, "because if you're pulled over by a cop for the same thing, the fee is \$125."

Traffic safety advocates are in favor, because the cameras give drivers a financial incentive to stop breaking the law.

"I think this would make a huge impact on your city," testified Chief Lewis.

In the past, Lewis — who came to New Haven after working in California — has said this of New Haven traffic: "I thought traffic was bad in Southern California but then I came to New Haven. Your slogan should be red [lights] means three more go through."

Lewis opposed red-light cameras in California, where, he said, officials hoped it would be a money maker. Safety, not money, should be the

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New Haven Advocate: News - Red-Lig...

and if it works as planned less people would run red lights resulting in fewer tickets.

New Haven state Rep. Pat Dillon has voted against red-light cameras in the past. At the time, she says, she was concerned that oversight of the cameras would fall to the camera manufacturers and not the city or state.

While Dillon says she'd take Sturgis-Pascale's resolution into consideration, she also says she'd need to see the bill's language before making a decision this year.

Other opponents, like the American Civil Liberties Union, worry the cameras would be used for additional surveillance purposes.

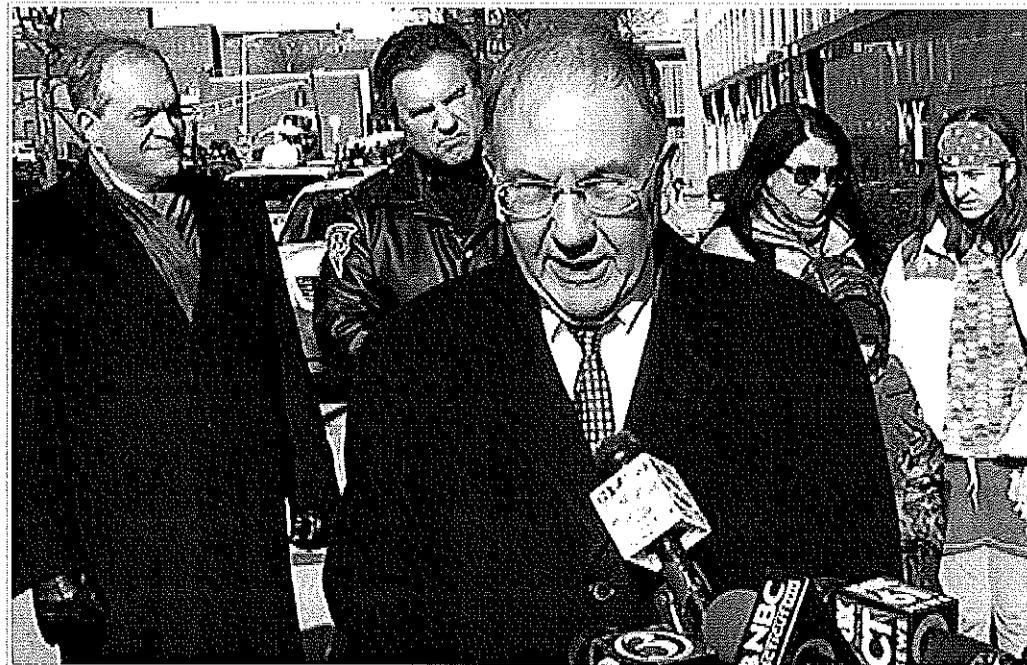
"Let's focus on the problem," says Sturgis-Pascale. "If we're worried about how the data is used, let's discuss how the data is kept, instead of opposing technology with a good use. I feel like it's a diversion from the real problem: Issuing a ticket to someone who's breaking the law. Does someone really have a problem with that?"

Coalition Launches Red- Light Camera Campaign

BY **Thomas MacMillan** | FEB 12, 2010 5:32 PM

(31) Comments | [Post a Comment](#) | [E-mail the Author](#)

Posted to: [City Hall](#), [State](#), [Transportation](#)



THOMAS MACMILLAN PHOTO

State Sen. Looney

Riding the wave of a successful traffic-calming movement, a New Haven coalition launched another attempt Friday to legalize the use of cameras to catch cars that blow red lights.

Similar efforts failed the last five years. Organizers said they hope this will be the breakthrough year.

Since the state legislative session began on Feb. 3, three state legislators, including New Haven's State Sen. Toni Harp, have introduced bills that would give cities permission to install red-light cameras at intersections. When scofflaws run red lights, the cameras would snap photos of their license plates. The car owner would get a \$100 fine. The bills would permit, not require, cities to use the cameras.

City and state elected officials gathered at the corner of College Street and North Frontage Road Friday afternoon to announce their support for those bills. They said it was an example of a dangerous spot where the cameras could come in handy.

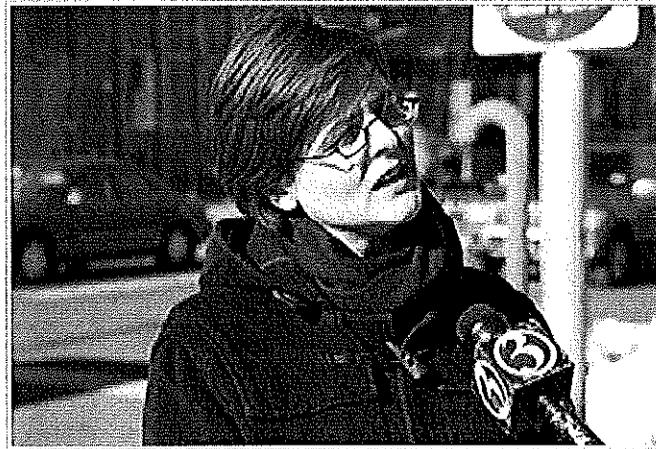
Not everyone in the area was sold: One nearby passerby, a teacher, said he wants to reserve the right to run red lights "cautiously" when he's late.

Before it can install the cameras, the city needs permission from the state. That's where the "Red Light Camera Enabling" legislation comes in.

Coalition Launches Red- Light Camera ...

Members of that coalition gathered on the sunny corner of College and North Frontage Friday. The group included: New Haven State Rep. Cam Staples, West Hartford State Sen. Jonathan Harris, New Haven State Sen. Martin Looney, Mayor John DeStefano, several current and former aldermen, and representatives of the Connecticut Conference of Municipalities and Yale-New Haven Hospital. The legislation has the support of the Connecticut Police Chiefs Association and the New Haven police department, Assistant Police Chief Ken Gillespie announced.

The event was organized the Connecticut Livable Streets Campaign, a New Haven-based group that grew out of the local traffic-calming efforts in the city.

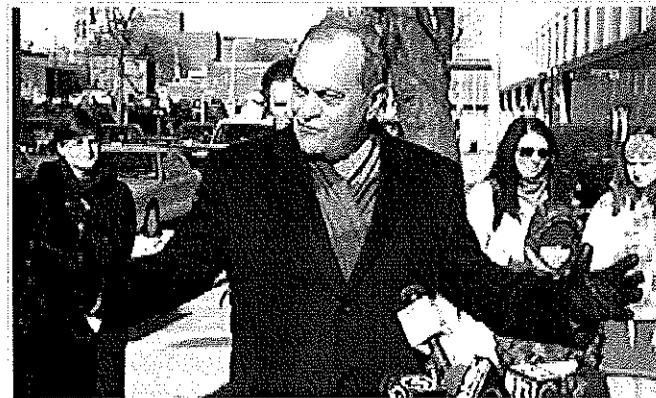


Former Fair Haven Alderwoman Erin Sturgis-Pascale, a coordinator at the Connecticut Livable Streets Campaign said that red light cameras would "prevent severe injuries and save dozens of lives in the state by reducing the number and severity of automobile crashes."

Sturgis-Pascale was one of several speakers who sought to defuse one of the central arguments of those who oppose red light cameras: that it is

allegedly an invasion of privacy.

"The need for this enabling legislation is a true public safety need and should not be derailed by theoretical deliberations about privacy that are not supported by case law or by reasonable analysis," Sturgis-Pascale said.



We don't care if someone is with their girlfriend or boyfriend and they're not supposed to be," said Mayor DeStefano. "We're taking pictures of license plates, not of people."

Twenty-five states have already passed similar legislation, DeStefano said.

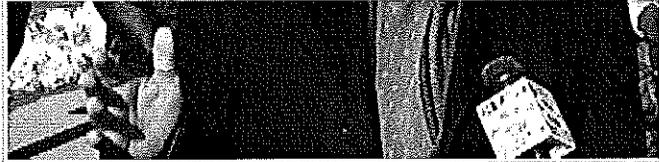
DeStefano also sought to dispel another notion about red-light cameras: that it's just a money-

making venture. "This is not about collecting fines from the tickets," he said. "If the legislature wants us to, we'll be glad to commit all that money to further safety improvements on the streets of New Haven."



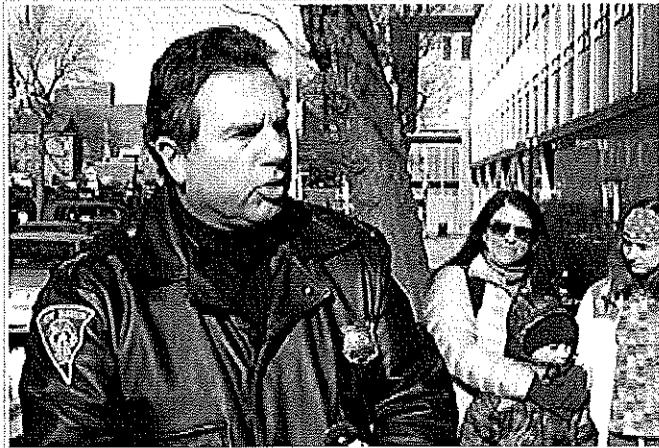
"There is no reasonable expectation of privacy when you're breaking the law," said State Sen. Harris. A photo of one's license plate is actually far less of an incursion on one's privacy than being pulled over, he said.

Coalition Launches Red- Light Camera ...



Harris

red-light-runners at intersections like the corner of College and North Frontage. "If you look at the intersection behind you," Gillespie said, "there's no place I can safely position a police officer to monitor this intersection for red light violations."



Gillespie

Gillespie later said that New Haven has a particularly high rate of traffic violations. "Much worse than what I've experienced in southern California," he said. When Gillespie and Chief James Lewis came to New Haven from California, they were both surprised and the number of "hazardous moving violations that seem to be an ongoing problem here in Hew Haven," Gillespie said.

While red light legislation has the support of a "broad-based coalition," as State Sen. Looney put it, it still has a difficult hill to climb in Hartford. The bill will have to pass through three committees, Looney explained—the Transportation, Planning and Development, and Judiciary Committees.

Dreams Of Lisa

For Sturgis-Pascale, the quest for safer streets is more than just a passing interest. She has a very personal connection to the problem of red-light running. Her friend Lisa Tribanas was struck in her car and killed in 2006 when a driver ran a red light at the corner of Derby Avenue and the Boulevard.

"She had a green light," Sturgis-Pascale said.

Sturgis-Pascale was pregnant at the time, and she began having dreams in which Triabanas would appear. She would be in her work clothes, looking disheveled, and would ask to see Sturgis-Pascale's baby. They were upsetting dreams.

So when it comes to stopping red-light scofflaws, "this is not theoretical," Sturgis-Pascale said.

The former alderwoman said that this year the quest to get the legislation passed is fueled by a critical mass of people interested in traffic calming in New Haven. "People are really engaged," she said.

John Fears The Fine



But not everyone is in favor of the bill. John Cain, a second-grade teacher at Amistad Academy said that as a "cautious red light runner" he doesn't want to have to pay for rushing through lights. Cain gave his opinion while walking at the corner of College and George, just a block from the

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Coalition Launches Red- Light Camera ...



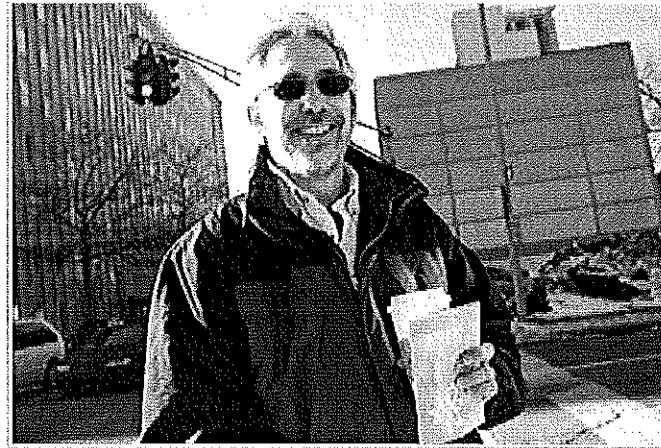
yellow light," Cain said. He added that he does so very carefully. "I'm always observant." He said he's

never had a near miss.

Cain said he's often running late, that's why he sometimes motors through red lights. He's not a fan of a fine for doing so. "I would probably be guilty," he said.

Becca Levy and Marty Slade, however, were all for the bill.

"I think it's a good idea," Levy said.



She and Slade work near the corner of College and North Frontage. Slade said he sees people run red lights there every time he passes by.

"I think it's a great idea, because it's scary," Slade said.

Talking Sense About Red Light Cameras in Connecticut

Posted By [Lily Bernheimer](#) On January 8, 2010 @ 3:54 pm In [Livable Streets Community](#) | [3 Comments](#)



Second Image - Shot of Vehicle in Intersection

Your partner won't catch you with your lover in a red light camera photo from this distance.

A Connecticut campaign for red light cameras offers a reality-based counterpoint to the [growing backlash](#) ^[1] against automated enforcement.

The [CT Livable Streets Campaign](#) ^[2] worked hard [throughout 2009](#) ^[3] on legislation allowing municipalities to implement automated red light camera enforcement programs -- a measure they hope will pass in the Connecticut General Assembly's upcoming session.

This will be the fourth or fifth year that red light camera legislation has been introduced in the state, according to New Haven alderwoman and CT Livable Streets member [Erin Sturgis-Pascale](#) ^[4]. She's optimistic about this year as the group has worked with legislators who opposed past measures. The proposed regs were also revamped to include provisions addressing previous objections. As Sturgis-Pascale explains:

One new inclusion that I think is very important is that the revenue that will be generated from the fines will be deposited into a special "Traffic Safety education, enforcement and improvement" fund rather than the general fund of the municipalities. This diffuses the accusations that the fines are only an attempt to fill budget holes by demonstrating that the traffic safety goals are sincere. The money could be used to pay for the RLC equipment and any surplus could fund safety campaigns, traffic calming or other initiatives to improve traffic safety. This is a response to a public safety crisis, not a budget crisis.

This week, the New Haven Board of Aldermen passed by an overwhelming majority a resolution urging the New Haven delegation to the General Assembly to support camera legislation. CT Livable Streets has created a ["Red Light Cameras Save Lives"](#) ^[5] Facebook group where they hope Connecticut legislators and voters will show their support as the February commencement of the General Assembly session approaches.

They've also created a handy online red light camera [fact sheet](#) ^[6], dispelling myths such as "My partner is going to open my mail and [catch me with my lover!](#)" and "Automated enforcement violates the U.S. Constitution!" The red light issue may be among the less contentious uses of traffic cameras, but CT Livable Streets' work should be an invaluable resource to advocates working on traffic cam campaigns around the nation.

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Streetsblog New York City » Talking Se...

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URLs in this post:

[1] growing backlash: <http://www.streetsblog.org/2010/01/07/trend-watch-governments-ceding-control-of-roads-to-outlaw-drivers/%20>

[2] CT Livable Streets Campaign: <http://www.livablestreets.com/projects/ct-livable-streets/project-home>

[3] throughout 2009: <http://www.streetsblog.org/2009/04/17/livable-streets-community-news-ct-wants-enforcement-cams-too/>

[4] Erin Sturgis-Pascale: <http://www.livablestreets.com/people/ErinSturgisPascale>

[5] "Red Light Cameras Save Lives":

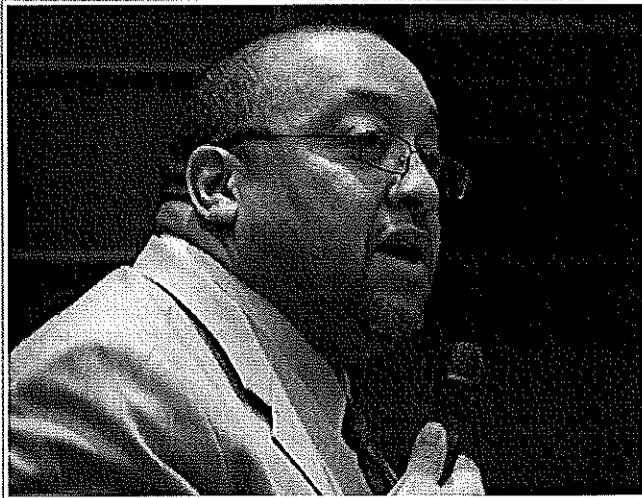
<http://www.facebook.com/redlightcameras#/redlightcameras?v=wall>

[6] fact sheet: <http://www.livablestreets.com/projects/ct-livable-streets/redlightcameras>

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Amid Dissent, Red-Light Camera Call Sent

BY MELISSA BAILEY | JANUARY 5, 2010 10:08 AM | [PERMALINK](#) | [COMMENTS \(76\)](#)



Melissa Bailey Photo

The Board of Aldermen passed a resolution supporting red light cameras, but not before a freshman legislator objected — and sparked a possible new spirit of vigorous debate.

West Rock Alderman Darnell Goldson (pictured), who just took office, led an unsuccessful charge Monday against the resolution, which urges the state to allow cities to use cameras to catch people who run red lights.

His opposition sparked an unusually in-depth discussion at the board's first meeting of the 2010-2011 term, setting the stage for a lively two years of legislative

discourse.

Safe streets activists and the police chief heralded the resolution at [a public hearing in December](#), where a committee gave it unanimous approval. At that hearing, about a dozen people spoke in favor. None opposed.

The DeStefano Administration would like to use the cameras to capture the license plates of red-light runners, then send them tickets in the mail. The aldermen's resolution doesn't set anything into law. It asks the state legislature to give cities the option of implementing their own red-light camera enforcement programs. City officials and some aldermen are gearing up to lobby the state Capitol a second time, after a similar red light camera law failed last legislative session. ([Click here](#) for a background story.)

As the aldermanic resolution came up for a final vote Monday, East Rock Aldermen Justin Elicker and Roland Lemar praised it as a key tool in a movement to create safer streets.

Then Goldson stood to speak. He posed questions none of his colleagues could answer: How many traffic injuries and deaths in New Haven are caused by red-light runners? Is there evidence the cameras would make the streets safer?

Goldson asked the board to hold off on passing the resolution until those questions are answered. He urged them to "slow down" before issuing public support to a law that could lead to a loss of privacy rights further down the line.

"I don't see what the rush is," he said.

He said he ran for alderman partly because people have the impression that the board makes decisions without full information, rushing into decisions that have lasting impact.

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New Haven Independent | Amid Disse...

public statement of support. Aldermen will have plenty of time to publicly debate the specifics if the state passes a red-light camera law, he noted. Before the city introduces any red-light cameras, it would have to draft, debate, and approve a new ordinance.

Goldson wasn't convinced. He asked why aldermen needed to approve a resolution pledging the support of the full board — especially when several board members had a problem with the stance.

Newhallville Alderman Charles Biango said he worries that his community would be affected more than others by a red-light runner crackdown. He supported Goldson's quest for more information, and seconded the motion to send the matter back to committee.

Lemar conceded there is "no rush" to this particular resolution. But he said the resolution got a fair hearing, and any further questions will be answered at the appropriate time — after the state passes a red-light camera law, and the city sits down to approve details of a local red-light camera enforcement plan. He said the topic is an urgent one, given the daily dangers of New Haven streets.

After much back and forth, Yale Alderman Mike Jones, a red light camera supporter, called for an end to the debate. Aldermen agreed to stop talking and take a vote.

Goldson's motion to send the item back to committee failed by a margin of 6 to 23.

Not giving up in his quest to stall the resolution, he put forward a motion to table the item. That failed, too.

Goldson then made a personal plea. He said his father was the victim of illegal wiretapping by New Haven police. Goldson's father was one of thousands. The 1960s-era New Haven operation — considered the most intensive illegal policy spying on political activists and dissidents in a period when local similar "red squads" operated throughout the country — cost the city \$1.75 million in a class-action lawsuit settlement.

Goldson ticked off a series of incidents of government abuse of civil rights — Japanese American internment in the wake of the Pearl Harbor attack, the Tuskegee syphilis experiment on black sharecroppers — and warned against making the wrong decision.

"I love my city, ... but I don't always trust my government," Goldson said. He urged the board not to issue a general approbation of a red light camera law without nailing down specifics that the board agrees with.

Hill Alderwoman Andrea Jackson-Brooks stood with him. She urged her colleagues to write their own letter instead of issuing a resolution on behalf of the board.

The debate took up the large part of the hour-long meeting — a rarity at the full board meetings. Usually, debate on specific bills takes place only at a public hearing before an aldermanic committee. When aldermen meet as a full board for a final vote, they tend to take quick votes without saying much.

Aldermen approved the red light camera resolution by a voice vote, with a handful of aldermen dissenting.

Board of Alderman President Carl Goldfield said he voted in favor because he has watched too many drivers barreling through red lights around town.

He said Monday was an indication of a new tenor on the board, which has eight new aldermen. There has rarely been this level of "full-blown debate" at full board meetings, he said. He praised the new aldermen for their enthusiasm.

With the new aldermen on board, he said, "these meetings can be a lot more interesting."