



CITY COUNCIL AGENDA REPORT

MEETING DATE: June 3, 2008

ITEM NUMBER:

SUBJECT: RED LIGHT CAMERA ENFORCEMENT PROGRAM

DATE: MAY 28, 2008

FROM: CITY ATTORNEY'S OFFICE

PRESENTATION BY: KIMBERLY HALL BARLOW, CITY ATTORNEY
and CHRISTOPHER SHAWKEY, CHIEF OF POLICE

FOR FURTHER INFORMATION CONTACT: KIMBERLY HALL BARLOW, 714-754-5399

RECOMMENDATION:

Approve the recommended contract Addendum No. Three with Nestor Traffic Systems, Inc. ("NTS"), for installation of additional approaches to meet the City's original contractual commitment and for continuation of the Red Light Camera Enforcement Program and authorize the Mayor to sign the contract on behalf of the City.

BACKGROUND:

At the September 17, 2001 City Council meeting, the proposal to implement the Red Light Camera Enforcement Program was presented to City Council. Due to its unique and exclusive technology utilizing real time, digital video monitoring, NTS was chosen as the sole source vendor. The initial contract was executed on July 15, 2002 for a term of five years, and called for installation of cameras at twenty approaches, in three phases. Phases 1 and 2 were installed, but Phase 3 has not been installed and the city did not opt out of Phase 3 within 90 days of completion of Phase 2 as provided in the original agreement. On April 30, 2003, the first amendment addressed the issue of retention periods relating to data used in the citations. The second amendment dated August 18, 2003, provided for an alternate billing process. The proposed amendment to the contract would fix December 1, 2008 as the end of the Initial Term for the existing cameras, extend the agreement by three years for existing approaches only and establish installation dates and five year terms as to the new approaches to complete the contracted for twenty approaches. The proposed new intersections were the subject of a study session with the City Council on January 10, 2006 (Attachment 2).

ANALYSIS:

The system has proven to be a successful means of decreasing injury traffic collisions due to red light violators. In a comparison of a three year sample (2000, 2001, 2002) prior to the red light camera installation to post camera installation (2005, 2006, 2007) we have seen a 15.5 percent decrease in injury traffic collisions at all red light controlled intersections. Collectively, we have also seen a 38.6 percent decrease in broadside type traffic collisions that often result in more significant injuries. Although we have seen a 10.4 percent increase in accidents at these noted intersections, this can be correlated to a 13.7 percent increase in rear end collisions, largely in part to the greater

compliance of red light requirements to stop and the knowledge of the camera controlled intersection(s). Prior to the installation of the Red Light Photo Enforcement Program we experienced more broadside traffic collisions at red light camera controlled intersections causing greater injury, versus rear-end collisions where injuries are often minor.

Since June 20, 2003, enforcement has been in place at four intersections: Harbor & Adams, Bristol & Anton (installed December 1, 2003), Newport & 17th Street and Newport & 19th Street. The contract amendment contemplates adding new approaches at Harbor & Gisler, Harbor & South Coast Drive, Harbor & Baker and Victoria & Placentia as well as extending the term for three years to December 1, 2011. NTS will also agree to upgrade the existing approaches to current digital technology at no additional cost to the City.

The proposed new approaches are identified below:

Harbor & Gisler	Northbound	Primary (straight/left)
	Southbound	Primary (straight/left)
Harbor & South Coast	Northbound	Primary (straight/left)
	Southbound	Primary (straight/left)
Harbor & Baker	Southbound	Primary (straight/left)
Victoria & Placentia	Northbound	Primary (straight/left)
	Westbound	Primary (straight/left) ¹

None of the existing or proposed approaches are targeted to vehicles turning right on red lights.

The proposed amendment would also establish a two tiered fee program, resulting in a substantial reduction in fees for the existing installed approaches effective December 1, 2008. New approaches will be billed at higher rates to take into account the financial investment that Nestor must make for these installations. The City will receive a total discount in fees of \$224,000 against fees payable over a period of 42 months negotiated due to fees paid while various approaches were not issuing citations. In addition, the amendment will now require an annual financial review of the program and for the parties to negotiate fees in good faith if fees paid to Nestor exceed net revenues of the program.

In addition, the proposed amendment makes changes to several contract provisions designed to reduce the City's costs for the required thirty day warning period at each intersection, reduce the City's termination fees, clarify the definition of an installed approach, and provide for suspension of fee payments when citations may not be issued at a particular intersection as the result of judicial or legislative action.

Procedurally, photo enforcement violations are captured by a digital camera and sent to Nestor headquarters via a secured link. Nestor personnel then review the captured incidents and send those to a dedicated work station (Police Department) for further review. Police personnel then review the incidents and determine if a violation notice is warranted. The registered owner's information is then compared by police personnel to the captured photo and driver's license information. If processed, the citation is mailed

¹ Please note that the January 10, 2006 Study Session Agenda report indicated that this intersection would be Eastbound Victoria. However, review of the accident and violation history at this intersection indicates this was an error, and that Westbound Victoria is the approach recommended by the Police Department.

to the registered owner who has the option of reviewing the video (violation), as well as the opportunity to request a court hearing.

Only the Police Department issues citations, therefore there is no incentive on Nestor's part based on how many citations are issued. The intent of the Red Light Photo enforcement program is accident and injury reduction, as well as to gain compliance with red light requirements at the targeted intersections. Accidents can vary (major, minor, cause thereof) at the specified locations, however we have experienced a reduction in injury related collisions.

The yellow time phasing of all red light controlled intersections are set in accordance to state and local laws.

ALTERNATIVES CONSIDERED:

The changes included in the proposed contract amendment were the result of extensive negotiations with NTS. Council could decide to adopt the proposed contract amendment or request changes prior to final Council action.

FISCAL REVIEW:

NTS charges will include the following:

Approach Type	Existing Approaches
Primary Enforcement Camera	\$ 3,500
Primary & Secondary Enforcement Camera	\$ 4,800
Approach Type	New Approaches
Primary Enforcement Camera	\$ 4,000
Primary & Secondary Enforcement Camera	\$ 5,300

Additional costs to the City will include creating and posting signs at the new intersections and notifying the public of the additional installations prior to commencement of enforcement.

LEGAL REVIEW:

The City Attorney's office has prepared the proposed contract amendment and approved it as to form.

CONCLUSION:

Staff recommends that City Council approve the third contract amendment with Nestor Traffic Systems, Inc.

ALLAN L. ROEDER
City Manager

KIMBERLY HALL BARLOW
City Attorney

CHRISTOPHER SHAWKEY

Chief of Police

DISTRIBUTION: City Manager

ATTACHMENTS: 1 [Addendum No. Three](#)
2 [Study Session Agenda Report 1-10-06](#)
[Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)

File Name

Date

Time