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TO: Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: September 19, 2013

SUBJECT: **DISCUSSION REGARDING CITY'S THE RED LIGHT CAMERA PHOTO ENFORCEMENT PROGRAM**



## BACKGROUND

In light of the new State law regulating red light camera photo enforcement that became effective on July 1, 2013, Commissioner Michael Gongora placed the Red Light Camera Photo Enforcement Program on the agenda for discussion at the July 17, 2013 City Commission meeting. In addition to the enactment of the new law, Commissioner Gongora pointed out that the program was providing less revenue than expected.

During the July 17, 2013 Commission meeting, discussion centered on the new State law governing red light camera photo enforcement, specifically the role of the Special Master to adjudicate Notice of Violation appeals, the impact of the program on motor vehicle crashes at the red light camera intersections and the lack of revenue derived from the fines.

In preparation for that Commission meeting, staff of the Miami Beach Police Department, along with the City Attorney's and City Clerk's Office, prepared a Letter to the Commission (LTC) addressing the status of the City's red light camera photo enforcement program (LTC #244-2013 attached). As a result of the discussion on July 17, 2013, this matter was referred to the Finance and Citywide Projects for further review of the program relative to crash data and financials.

## ANALYSIS

As indicated in Letter to the Commission #244-2013, crashes at intersections where the red light cameras are located have been declining. The number of notice of violations has decreased since the inception of the program, primarily due to the various changes in State law governing red light cameras. However, since the enactment of the new red light camera legislation in July 2013, which requires a complete stop before making a right turn, the number of right turn violations have increased dramatically. Although there are only two (2) months of data available, the average number of violations issued per day in July and August has increased to 4.48 per camera per day from 1.42 in Fiscal Year 2011/2012 and 1.99 in Fiscal Year 2012/2013 (year to date).

To further stress this impact, over these two (2) months, 70% of the total number of violations issued were right turn violations. In addition, the total number of notices of violation has also increased. This is not an aberration, as other police agencies in Dade and Broward Counties are experiencing similar spikes in the total number of notice of violations attributed directly to the new law governing right turns.

The table below depicts crashes at intersections with red light camera crashes, number of notice of violation issued, number of violations issued per day by camera, and revenue collected by Fiscal Year for comparison purposes.

	Fiscal Year 2010/2011	Fiscal Year 2011/2012	Fiscal Year 2012/2013 <i>(through August 2013)</i>
Number of Notice of Violations Issued	7,707	5,220	6,713
Average Number of Notice of Violations issued per camera per day	2.10	1.42	1.99
Total Number of Crashes at Red Light Camera Intersections	59	49	23
<b>Total Revenue</b>	\$437,764.62	\$290,550.14	\$214,501.99

### **SPECIAL MASTER PROVISION**

The new legislation requires municipalities with red light cameras to establish local hearing officers (Special Master) for drivers who want to appeal notice of violations. The Miami Beach Police Department anticipates that on a yearly basis approximately 1,200 violation notices will be appealed to the Miami Beach Special Master. A Code Violation Clerk, as well as a Special Master, will be needed to process the increased volume of work. The cost for both the Code Violation Clerk and the Special Master should be completely offset by the court cost that will be imposed. Further, these additional support positions were included in the Fiscal Year 2013/14 Proposed Budget for consideration by the City Commission.

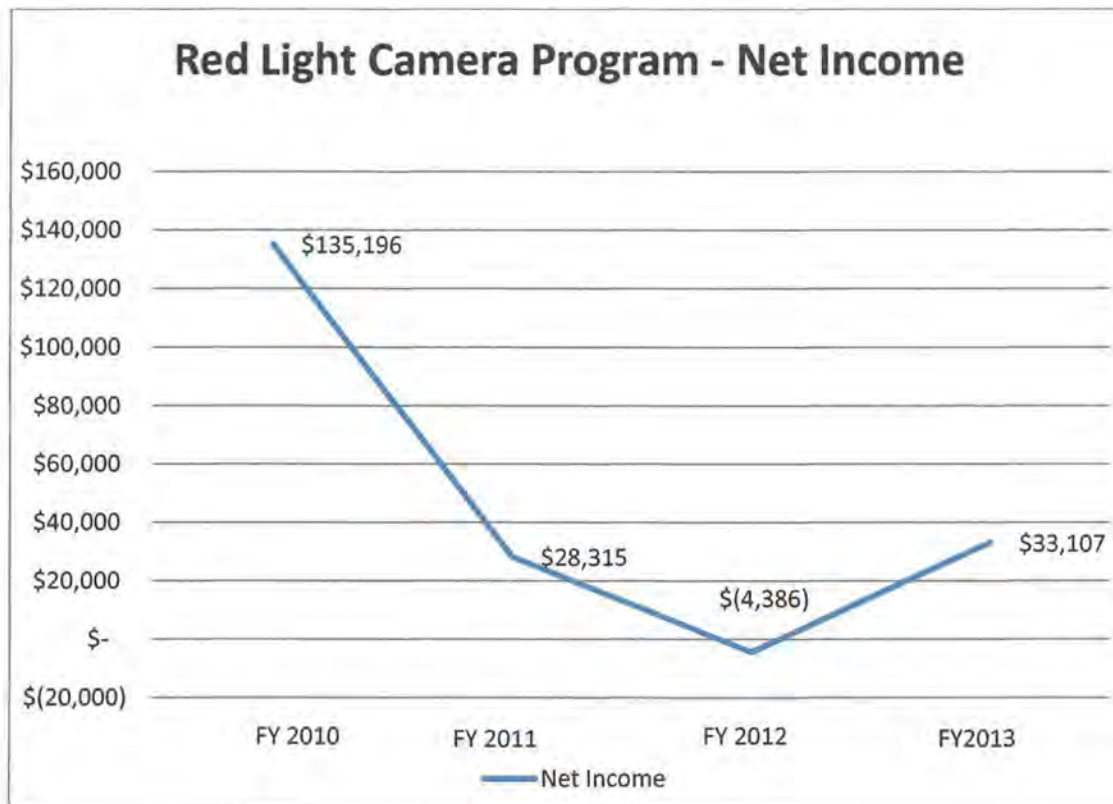
### **FINANCIAL STATUS OF THE PROGRAM**

Since the inception of the City's red light camera photo enforcement program in April of 2010, where the program was enforced under a City Ordinance to where the program is now pursuant to State Statute, there have been several legal challenges that have led to two (2) major changes to the program. These major changes have negatively impacted the City's ability to generate revenue. Pursuant to the City's Red Light Camera Ordinance, which was repealed on July 1, 2010, the City derived \$125 for each notice of violation in addition to late fees.

On July 1, 2010, the Florida Legislature enacted the Mark Wandall Act, which essentially made red light camera infractions enforceable only under State law pursuant to FSS Chapter 316. As part of this change, Notice of Violation fines increased to \$158 per violation, with the State receiving \$83 and only \$75 going to the municipalities. This change alone accounted for a significant decline in revenue.

This provision, coupled with the change in criteria from a complete stop when making a right turn to "careful and prudent manner", now allowed a rolling turn. This one change led to a significant decline in the number of Notice of Violations and subsequently, a decline in total revenue.

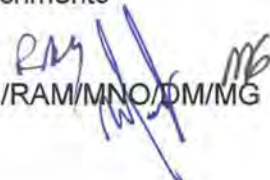
However, with the latest change to the law requiring a complete stop before making a right turn on a red light, revenue has spiked significantly. As of July 2013, net revenue for the program since its inception is \$192,231.87.



**CONCLUSION**

It appears that with enactment of the new law, the Red Light Camera Photo Enforcement program will become financially viable. This prediction is based on the July and August Notice of Violations issued, the 2010 experience under the City Ordinance when a complete stop while making a right turn was a requirement, and the experience of other local police agencies. In terms of public safety it is apparent the program has had a positive impact on the number of crashes as evidenced by a steady decline at the majority of the intersections.

Attachments

  
 JLM/RAM/MNO/DM/MG

Red Light Camera Photo Enforcement

Exhibit A

CAMERA LOCATIONS	ISSUED NOTICE OF VIOLATIONS (NOV)				CUMALITIVE AVG. NOV'S ISSUED PER DAY
	FY2009/2010 (April 15- September 30, 2010)	FY2010/2011	FY2011/2012	FY2012/2013 (Oct 2012 – June 2013)	
DADE BLVD - WASHINGTON AVE	1992	357	99	217	2.42
17 ST - WASHINGTON AVE - SB	295	690	815	442	2.03
17 ST - WASHINGTON AVE - EB	354	332	380	343	1.28
17 ST - ALTON RD - WB	152	651	690	606	1.99
23 ST - PINETREE DR - SB	215	447	275	219	1.05
CHASE AVE - ALTON RD - NB	1598	2450	1439	578	5.51
41 ST - PRAIRIE AVE	145	153	88	53	.39
INDIAN CREEK - 63 ST - SB	407	1655	489	535	2.80
INDIAN CREEK - 71 ST - NB	438	438	577	318	1.61
INDIAN CREEK - ABBOTT AVE - SB	0	534	368	576	1.34
<b>TOTAL</b>	<b>5596</b>	<b>7707</b>	<b>5220</b>	<b>3887</b>	<b>2.03</b>

## Crash Data – Red Light Camera Program

## Exhibit B

LOCATION	Oct. 1, 2009 – Sept. 30, 2010	Oct. 1, 2010 – Sept. 30, 2011	Oct. 1, 2011 – Sept. 30, 2012	Oct. 1, 2012 – August 31, 2013
17 ST AND ALTON RD	7	9	10	7
17 ST AND WASHINGTON AVE	14	11	3	4
DADE BLVD AND WASHINGTON AVE	3	6	0	1
23 ST AND PINETREE DR	2	0	0	0
CHASE AVE AND ALTON RD	6	6	1	0
41 ST AND PRAIRIE AVE	3	3	3	1
63 ST AND INDIAN CREEK	14	9	2	3
ABBOTT AVE AND INDIAN CREEK	4	2	0	1
71 ST AND INDIAN CREEK	6	3	4	2
TOTAL	59	49	23	19