

MEMORANDUM

TO: Mayor and Town Council

FROM: W. Calvin Horton, Town Manager

SUBJECT: Proposed Local Ordinance and Process to Implement Automated Traffic Enforcement for Red Light Running in Chapel Hill

DATE: April 23, 2001

The attached ordinance would enable the Town Council to implement automated traffic enforcement for red light running violations in Chapel Hill in accordance with State statutes. Adoption of this ordinance would not obligate the Town to utilize automated traffic enforcement if it did not wish to do so following further study of the issue.

The attached resolution would direct the Manager to solicit proposals for automated traffic enforcement for red-light running; and to report back to the Council with recommendations about proceeding further with program implementation.

The Manager recommends adoption of the attached ordinance and resolution.

BACKGROUND

The Federal Highway Administration (FHWA) created the "Stop Red Light Running Program" in 1995 as a community-based safety campaign. The program raised awareness of the dangers of red light running and helped to reduce accidents in many of the participating communities where automated equipment was used to enforce the law. This program is endorsed by the Institute of Insurance for Highway Safety and the North Carolina Department of the Transportation.

Automated traffic enforcement programs which monitor red light violations have been successfully implemented in several states including California, New York, Maryland, Florida, and North Carolina. In North Carolina, the cities of Charlotte, Fayetteville, Greensboro, High Point, and Wilmington currently utilize cameras to monitor and enforce red light violations at selected intersections.

On May 8, 2000, the Town Council approved a resolution requesting State enabling legislation that would allow Chapel Hill to monitor and enforce the red light running violations using automated enforcement technology. The State legislature subsequently approved an amendment to G.S. 160A-300.1 which authorizes Chapel Hill to use photographic images as prima facie evidence of traffic signal violations. A copy of the approved bill and General Statute 160A-300.1 are attached for reference.

On October 23, 2000, the Council received a staff report discussing automated enforcement technology and its potential for use in Chapel Hill. The Council subsequently directed the Manager to schedule a public forum to solicit citizens' comments about the use of electronic traffic surveillance technology. The Council also referred this issue to the Town's Transportation Board and Bicycle/Pedestrian Advisory Board for review and recommendations.

Following review and discussion in early November 2000 of the proposed use of automated enforcement technology to monitor and enforce red light running in Chapel Hill, each board voted 5-0 recommending that the Council approve the project.

On January 16, 2001, the Council held a public forum on the proposed use of automated enforcement technology to monitor and enforce red light running violations in Chapel Hill. A copy of that agenda item is provided as Attachment #2. Three citizens spoke in favor of, and none in opposition to, the proposed use of electronic traffic surveillance technology in Chapel Hill. Attachment #1 provides a summary of comments received from citizens and Council members at the forum, and staff responses to them.

DISCUSSION

A typical program for automated enforcement of red-light running violations would consist of the installation of electronic devices at selected intersections to monitor violations and to identify violators. The monitoring devices could be moved to different intersections as needed. A private contractor would provide the capital equipment and its installation, monitor the violations, send out citations and collect fines. An appeals process would begin with an employee of the contractor and a Town employee in an Administrative Review and could continue on to an Administrative Hearing held by an independent citizen.

The main objectives of the program are:

- To decrease the number of accidents caused by the traffic signal violations.
- To increase the public awareness of safe driving.
- To supplement existing Police resources.
- To decrease the number of traffic violations at intersections.

A summary of some of the advantages and disadvantages of typical automated traffic enforcement programs is provided in the table below.

Advantages	Disadvantages
1. Can supplement available police resources.	1. Can be perceived as over-zealous policing initiative.
2. Can modify driver behavior over time and reduce number of red light violations.	2. Can create concerns about invasion of privacy and "Big Brother is Watching".
3. Can improve intersection safety and reduce the number of intersection accidents.	3. Can result in public relations problems if photographic images are misinterpreted.
4. Can be a self-supporting program requiring only limited use of Town staff resources.	4. Can require traffic signal timing changes as drivers' behavior changes.
5. Can generate revenue for community traffic control programs.	5. Can be perceived as inappropriate revenue source at the expense of drivers.

We have studied established programs in other communities and discussed possible implementation processes with our counterparts around the State. The following process has proven successful in other communities, and we propose for the Council's consideration these procedural steps regarding implementation of an automated traffic enforcement program in Chapel Hill:

Agency Responsible	Procedural Step
I. Town of Chapel Hill	1) Adopt a local ordinance
	2) Request proposals from program services contractor
	3) Select contractor based on the criteria in the Request for Proposals
	4) Prepare program service agreement for Town Council consideration.
	5) Implement program if so authorized by the Council.
II. Service Contractor	1) Conduct video study at several intersections to finalize the locations of red light cameras.
	2) Install first camera as a test for 60 days if so authorized by the Town Manager
III. Town of Chapel Hill	1) Implement Public Information Program prior to the first camera installation.
	2. Select Hearing Officers for Administrative Hearings.
IV. Service Contractor	1) Install the remaining cameras at selected locations.
	2) Contractor to send the citations and collect the penalties.
V. Town of Chapel Hill	1) Monitors the Program.
	2) Administers the Hearings.

We think this process would work well in Chapel Hill, and would provide the Council with an opportunity to review the proposed program in detail before making a decision on whether or not to implement it. Adoption of the attached ordinance would indicate the Council's interest in further detailed investigation of a local program for automated traffic enforcement, but would not require that such a program be implemented. We contacted two potential contractors who advised that they would not be willing to invest time and money in collecting data and preparing proposals without a local ordinance in place.

Copies of Request for Proposal (RFP) documents and agreements from other communities in North Carolina are available for review in the Engineering Department. We would expect to pattern our RFP after others which have proven successful.

We propose a program which would be self-supporting, with no significant direct costs to the Town. We emphasize that it would not be our priority to utilize automated traffic enforcement as a source of revenue. However, all of the North Carolina programs to date have shown a net gain after paying for contract services to operate and administer the program. If a Chapel Hill program is implemented, we recommend that any net revenue be applied to community traffic control measures including signal/sign/markings improvements, traffic studies and data collection, intersection improvements, driver education programs, etc.

Intersections would be selected for enforcement based on the severity of red light running problems as evaluated by the Town and the program contractor. If the intersection data and analyses determined that there is not a significant red light running problem in here, we would recommend that the Council not implement a program. Typically, automated enforcement of an intersection is not practical unless 20-25 red light violations occur each day. We do not now know the significance of and/or location(s) where red light running may be causing correctable safety problems in our community.

The Chapel Hill Police Department does not routinely monitor intersections for red light running violations under its current traffic enforcement program. In most cases in Chapel Hill, if a police officer observes a driver running a red light without causing an accident or creating an obviously dangerous situation, the driver will be given a warning but not a traffic ticket. Thus, our local statistics for the number of red light running violations reflect only those occurrences where a ticket was issued due to an accident or when an officer observed a violation that created a dangerous situation.

According to Police Department records, approximately 480 citations were issued during calendar year 2000 for red light running violations in Chapel Hill. If the Council authorizes us to proceed, we would direct our contractor to collect field data about the total number of red light running violations which actually occur within our community. We would expect this number to be significantly larger than the number of violations for which citations are being issued under our existing enforcement system.

Electronic traffic enforcement would result in a stricter procedure for enforcement of red light violations than under our present procedures in Chapel Hill. We could not continue our current "no harm, no foul" policy at locations where automated enforcement is implemented.

The number of red light violations at a given intersection does not always correlate directly with the number or severity of accidents resulting from such violations. Therefore, it may not be economically feasible to install automated enforcement equipment at high accident intersections with low numbers of red light violations, thus diminishing the overall accident reduction effectiveness of the program.

PROPOSED APPEAL PROCESS

Under the proposed program, cameras would capture a photographic image of any vehicle that runs a red light at a designated intersection. A citation would be issued to the registered owner of the vehicle in violation, based on the license plate number identified in the photo. The citation would involve a civil penalty in the form of a fine (similar to a parking ticket), and would not result in assessment of driver's license or insurance points. An impartial administrative appeal process would be established to receive and evaluate evidence regarding violations resulting in citations under the program. We propose an administrative process which includes three (3) levels of appeal as summarized below:

1. Administrative Review
2. Administrative Hearing
3. Appeal through the General Court of Justice

1. Administrative Review: An appeal form would be printed on the back of the citation. An appellant would be allowed 30 days from the citation mailing date to submit an appeal for Administrative Review. We believe this time-frame would allow for out-of-county vehicle owners to contact family members who may be driving their car in Chapel Hill. The Contractor and Town staff liaison would review the appeal information that is submitted. If the appeal were accepted, the citation would be voided. If the appeal were denied, the appellant would be notified by mail to either pay the fine within 30 days from the mailing date of the notification or to schedule an Administrative Hearing.

2. Administrative Hearing: To schedule an Administrative Hearing, the appellant would be required to pay a \$50.00 deposit which would constitute a bond. Hearing Officers would be independent local residents appointed by the Town Council and not employed by the Town or the Contractor. Hearing Officers would be paid \$25.00 per hearing. The Hearing Officer's finding would be mailed to the appellant within two weeks following the hearing date. If the finding is in favor of the appellant, the \$50.00 deposit would be refunded and the citation would be voided. If the finding is not in favor of the appellant, the \$50.00 deposit would be retained as a fine for the violation.

Appendix A includes a detailed outline of the Administrative hearing rules and procedures that we would propose for an automated traffic enforcement program.

CONCLUSION

We think that the use of automated traffic enforcement could reduce red light violations and traffic accidents. Because the Town does not routinely utilize Police resources to monitor intersections specifically for red light running violations, we would expect automated traffic enforcement to function as a supplement to existing Police resources rather than as a means for freeing up currently used resources for new assignments. The objective would be to change drivers' behavior rather than to generate revenue.

As discussed above, we believe that the proposed program would be practical and effective. We would place a high priority on treating all citizens fairly. We propose a clearly defined appeal process that would give drivers ample opportunity to have violations and citations impartially reviewed.

We think this program would provide an opportunity for the Town to improve roadway intersection safety conditions for drivers, cyclists, and pedestrians.

RECOMMENDATIONS

Transportation Board: Voted 5-0 recommending that the Council approve automated enforcement of red-light running.

Bicycle and Pedestrian Advisory Board: Voted 5-0 recommending that the Council approve automated enforcement of red-light running.

Town Manager: That the Council adopt the attached ordinance authorizing implementation of automated traffic enforcement for red light running violations in Chapel Hill and the attached resolution directing the Manager to solicit proposals for automated traffic enforcement and to report back to the Council with recommendations about proceeding further with program implementation.

ATTACHMENTS

1. Comments and issues raised during the public forum (p. 12).
2. January 16, 2001 memorandum (p. 15 pages) including:
 - Senate Bill 1447 and G.S. 160A-300.1.
 - Commonly asked questions and answers.
 - General information from the Insurance Institute for Highway Safety.
 - Example of typical citation.
 - Example of appeal hearing procedure.
 - October 23, 2000 Agenda items.
3. Red Light Camera Enforcement Sign Design (p. 32).
4. Article from Popular Government, Winter, 2001 (p. 33).
5. Article from Spectator, February 27, 2001 (p. 42).
6. Letters and comments received after the public forum (p. 43).
7. Automated Enforcement Myths – March 2001 (p. 50).

APPENDIX A

The following information provides a detailed outline of the Administrative Hearing rules and procedures that we would propose for an automated traffic enforcement program:

INTRODUCTION

An Administrative Hearing shall be held at the request of an individual, after that individual has gone through the initial Administrative Review process.

HEARING PROCEDURE

- A. The Hearing Officer will call the hearing to order, introducing himself/herself, and any staff present.
- B. The Hearing Officer will ask the Appellant if he/she is represented by counsel or agent.
- C. The Hearing Officer will ask the Appellant and counsel or agent, if present, if they are ready to proceed with the hearing.
- D. The Appellant and counsel or agent will be informed of:
 1. The nature of the citation.
 2. His/her full rights.
 - a. The appellant may be represented by counsel of choice.
 - b. That appellant may testify on his/her behalf at the hearing.
 - c. That appellant may call witnesses in his/her behalf.
 - d. That appellant may introduce evidence.
 - e. That appellant has the right to inspect all documents offered in evidence against him/her.
 - f. The Contractor will provide the Hearing Officer a written summary relating to the nature of the citation.
 - g. The appellant will present his/her case, including the examination of witnesses and introduction of evidence.
 - h. The proceeding is considered informal, but participants will keep in mind rules of conduct and decorum necessary for efficiency and administrative due process. The traditional rules of evidence required in courts do not apply.
- E. The Hearing Officer directs the appellant to present his/her case and any closing statements.
- F. The Hearing Officer will then inform all parties that they will be notified in writing, within ten (10) working days with a decision.
- G. The Hearing Officer will then adjourn the hearing.

BASIS FOR DECISION

The Hearing Officer shall base the decision only upon competent material and substantial evidence; the Hearing Officer will not consider opinion or conclusions of witnesses not supported by factual data or background. If there are facts within the special knowledge of the Hearing Officer or acquired by personal inspection of the premises, such facts may be properly considered. However, they must be revealed at the hearing and made a part of the record so that the appellant will have an opportunity to meet them by evidence of argument and any reviewing court may judge the competency and materiality. If possible, the Hearing Officer must advise the appellant of these facts ahead of the hearing.

In rendering a decision, the Hearing Officer shall state the basis of facts on which the official relied with sufficient specificity to inform the parties, as well as any court which may be asked to review the decision.

The Hearing Office shall render a decision on the request within ten (10) working days of the date of the hearing. The decision of the Hearing Officer has to be in writing and a photocopy given to all parties concerned. The decision of the Hearing Officer shall be subject to review by proceedings in the nature of certiorari instituted in the general Court of Justice of Orange County within thirty (30) days of the final decision of the Administrative Hearing Officer.

FAILURE OR REFUSAL TO APPEAR

Unless special circumstances are presented by the appellant or representative, failure or refusal to appear at the scheduled hearing shall not constitute grounds for rescheduling of the hearing. If no representative is present, the hearing will be canceled and the appeal will be dismissed.

APPEAL TO THE GENERAL COURT OF JUSTICE

The finding of the Hearing Officer could be appealed to the General Court of Justice of Orange County through civil legal procedure.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES REGARDING TRAFFIC CONTROL DEVICES (2001-04-23/O-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. A new Article II (A), Chapter 21 is hereby added to the Town Code to read as follows:

“ARTICLE II (A) . AUTOMATED TRAFFIC CONTROL SYSTEMS

Sec. 21-10.1. Definitions.

For purposes of this Article, the following definitions shall apply:

(a) “Automated traffic control system” is an automated system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control and to automatically produce photographs, automated or digital images of each vehicle violating a standard traffic control.

(b) “In operation” means operating in good working condition.

(c) “System location” is the approach to an intersection toward which a photographic, video, or electronic camera is directed and is in operation.

(d) “Vehicle owner” is the person identified by the North Carolina Division of Motor Vehicles as the registered owner of a vehicle.

Sec.21-10.2. General.

(a) The Town of Chapel Hill shall maintain a list of system locations where automated traffic control systems are installed.

(b) Any citation for a red light violation issued by an officer of the Chapel Hill Police Department at a system location shall be treated in the same manner as prescribed in this article.

(c) The citation shall clearly state the manner in which the violation may be appealed. The citation shall be processed by officials or agents of the Town of Chapel Hill and shall be forwarded by personal service or first-class mail to the owner’s address as given on the motor vehicle registration.

Sec. 21-10.3. Offense.

(a) It shall be unlawful for a vehicle to cross the stop line at a system location when the traffic signal for that vehicle’s direction of travel is emitting a steady red light.

(b) The owner of a vehicle shall be responsible for a violation under this section, except when said owner can provide evidence that the vehicle was in the care, custody, or control of another person at the time of the violation, as described in subsection (c).

(c) Notwithstanding subsection (b), the owner of the vehicle shall not be responsible for the violation if, within thirty (30) calendar days after notification of the violation, said owner furnishes the officials or agents of the Town:

1. The name and address of the person or entity who leased, rented, or otherwise had the care, custody, and control of the vehicle at the time of the violation; or
2. An affidavit stating that, at the time of the violation, the vehicle involved was stolen or was in the care, custody, or control of some person who did not have said owner's permission to use the vehicle.

Sec. 21-10.4. Penalty.

Any violation of Section 21-10.3 shall be deemed a non-criminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed, and for which no moving violation points as authorized by NCGS 20-16(c) or insurance points as authorized by NCGS 58-36-65, shall be assigned to the owner or driver of the vehicle. Failure to pay the civil penalty or to file an appeal within thirty (30) calendar days after the mailing date of the notification of the violation shall result in an additional penalty of fifty dollars (\$50.00). The Town may establish procedures for the collection of the civil penalties and may enforce the penalties by a civil action in the nature of a debt.

Sec. 21-10.5. Appeal.

A notice of appeal shall be filed within thirty (30) calendar days after the mailing date of the notification of the violation. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the citation. Appeals shall be heard through an administrative process established by the Town Manager. An individual desiring a hearing must post a bond equal to the amount of the civil penalty before an appeal hearing will be scheduled. The Hearing Officer's decision is subject to review in the General Court of Justice of Orange County by proceedings in the "nature of certiorari." "

Section 2. This ordinance shall become effective upon adoption.

This the 23rd day of April, 2001.

A RESOLUTION DIRECTING THE TOWN MANAGER TO SOLICIT PROPOSALS FROM PRIVATE CONTRACTORS FOR AUTOMATED TRAFFIC ENFORCEMENT OF RED-LIGHT RUNNING, AND TO REPORT BACK TO THE COUNCIL WITH RECOMMENDATIONS ABOUT PROCEEDING FURTHER WITH PROGRAM IMPLEMENTATION. (2001-04-23/R-16)

WHEREAS, the Council requested and received State enabling legislation for a local program to use automated traffic enforcement of red-light running violations; and

WHEREAS, the Council and advisory boards have received information about typical automated traffic enforcement technology and procedures; and

WHEREAS, the Council is interested in receiving and considering proposals from private contractors for studying intersections and designing a local automated traffic enforcement program for Chapel Hill;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Manager to solicit proposals from private contractors for automated traffic enforcement of red-light running.

BE IT FURTHER RESOLVED that the Council directs the Manager to report back, after receiving and evaluating contractor proposals, with recommendations about proceeding further with program implementation.

This the 23rd day of April, 2001.

**Issues from the January 16, 2001 Public Forum on
Proposed Use of Automated Traffic Enforcement for Red Light Running
in Chapel Hill**

A variety of comments and questions were brought up at the public forum on January 16, 2001. Three citizens spoke at the forum. Several Council members also had comments and/or questions. The comments and questions expressed at the forum are summarized below, along with Town staff responses.

1. A citizen suggested that the Town be careful about its choice of a contractor for the program and that the contractor be a Chapel Hill-based company if possible.

Response: If the Council authorizes us to proceed, a Request for Proposal (RFP) would be prepared and all interested companies would be invited to submit a proposal. Selection of a contract service provider would be based on qualifications and evaluation of each contractor's ability to provide services which would be compatible with a Chapel Hill program. At this time, we are not aware of any Chapel Hill-based company that is capable of providing automated traffic enforcement services for the Town.

2. A citizen expressed concern that program administration by a "for profit" contractor could create an incentive to find as many violators as possible; and he questioned whether the modest penalty amount of \$50.00 would make it worthwhile for people to bother taking time off from work to contest a citation.

Response: We believe that most red light violations identified via automated traffic surveillance equipment will clearly show the violation and the vehicle involved. We would require our contractor to give drivers the benefit of the doubt in all situations where there is any question as to whether or not a violation occurred or as to the correct identification of the vehicle involved. The \$50.00 penalty amount is established by the General Statute which authorizes use of automated traffic enforcement in Chapel Hill. This is the citation amount used by all participating municipalities in the State. We believe that \$50.00 is a reasonable and fair citation amount for this type of violation.

3. A Council Member raised an issue that there would be fewer penalties if the 21-day payment cycle were changed.

Response: We have discussed this issue with our counterparts in other municipalities. All current programs in North Carolina presently use the 21 day payment period. However, we agree that a longer citation payment period would be applicable in Chapel Hill, since many students may be driving vehicles registered to their parents or others. Thus, many citations may go to vehicle owners with out-of-town addresses which would justify a somewhat longer response time. We have revised the attached ordinance language to allow a 30 calendar day payment cycle, which we believe is a reasonable time period for these citations.

4. A Council Member asked what type of signage would be present at intersections where cameras were in use.

Response: Signs reading "Red Light Photo Enforced" would be placed at all approaches to intersections where cameras were installed. A copy of the sign design is attached for information. If the Council so directs, we could also install signs at the entranceways to Chapel Hill advising drivers that automated traffic enforcement is in use.

5. A Council Member asked the staff to report on the number of citations that had been issued in the past year for running red lights in Chapel Hill.

Response: Approximately 480 citations were issued by the Police Department for red light running violations during calendar year 2000.

6. A Council Member asked whether this would be safer for police officers and a better way of enforcing the law.

Response: It is difficult to say whether automated traffic enforcement is a better way of enforcing the law. It is probably more accurate to say that automated enforcement is another way of enforcing the law. Video technology can monitor and enforce red light running 24 hours per day every day. It is impractical for the Police to provide this level of traffic monitoring. The use of video technology to supplement and enhance, not replace, police resources is a proven benefit. For example, the use of radar speed detection technology has significantly enhanced policing capability and accuracy as compared to strictly manual means of monitoring and enforcement.

If many red light violations are occurring, but few citations are being issued, drivers may determine that the likelihood of being caught is minimal. This situation in regard to red light running creates increasing safety problems at signalized intersections. Without the use of effective automated enforcement technology, we do not believe that the Police alone have the resources to effectively reduce red light running. Ideally, automated enforcement technology is one component of a broad-based traffic safety program including engineering, education and enforcement.

7. A Council Member noted concerns about contracting for automated traffic enforcement services, and asked about the budget and staff impacts such services were kept in-house.

Response: It is difficult to determine the costs of an in-house program for Chapel Hill until we determine the extent of the program that is necessary. The following figures provide some unit costs which would have multiples depending on the nature and size of the enforcement program decided upon.

Initial intersection evaluation study:		\$ 30,000
Equipment:	Camera	\$ 65,000/ea.
	Processing Unit	\$150,000/ea.
Staff	Traffic Program Technician	\$ 50,000/year
	Customer Service Representative	\$ 35,000/year

8. A Council Member requested a comparison between the use of cameras for promoting public safety and for getting people to obey laws, in relation to the number of police officers that would be needed to monitor traffic signals and issue citations at a level comparable with camera use.

Response: We do not believe it would be feasible for Police Officers to monitor signalized intersections for 24 hours-7 days as can be done with cameras. Therefore, we are unable to provide a comparison between the two. Cameras cannot effectively replace or be replaced by police officers. Each resource supplements the other but neither is mutually exclusive. We believe that automated traffic enforcement technology can be used by the Town to supplement the existing police resources. In combination, the two would be the most effective in promoting public safety and educating people to obey traffic laws.

9. A Council Member questioned if and how this program could encourage traffic calming.

Response: We think that stricter enforcement of red light running via video technology could have a traffic calming effect over the long term, because we would expect a significant reduction in the number of drivers speeding to go through intersections at the end of a signal cycle, often on a red light. Also, it is normal for drivers to slow down and be more cautious when they become aware of increased traffic enforcement of any type. We would expect strict red light running enforcement to have a general traffic calming effect.

Written correspondence and comments that we received following the forum are attached for your information.