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**SYSTEM SAFETY AND OPERATIONS COMMITTEE
FEBRUARY 16, 2012**

SUBJECT: LACMTA'S PHOTO ENFORCEMENT PROGRAM

**ACTION: RECEIVE AND FILE REPORT ON LACMTA'S PHOTO
ENFORCEMENT PROGRAM**

RECOMMENDATION

Consider this response to a Board Motion of September 22, 2011 and an update on staff's interim evaluation of LACMTA's Red Light Photo Enforcement (RLPE) program.

ISSUE

In July 2011, the City of Los Angeles ended its red light photo enforcement program because of conflicting evidence about whether these cameras make intersections safer and a lack of clarity related to the Los Angeles County Superior Court's willingness to enforce citations. The issue is to evaluate these same factors in relation to LACMTA's RLPE program.

DISCUSSION

The LACMTA's RLPE system, which is owned and maintained by our contractor, consists of a standard film or digital media camera and flash units which are installed at or near a rail or busway grade crossing and integrated with a data collection device, and a detection system (such as in ground loops placed in the street or a radar device). The loops are installed in the traffic lanes for which enforcement is desired. For example, if the intent is to capture violations for left turns, the loops are installed in the left turn lane. If the intent is to capture violations for straight through movements, the loops are installed in the lanes used for this movement.

The camera, flash and other equipment are all installed in the sidewalk opposite from the direction of motor vehicle movement. Underground conduits and wires connect the loops to the equipment on the sidewalk. The majority of the cameras deployed for

LACMTA are used to enforce left turn movements across rail crossings (Blue and Gold Lines), but there are also a number of cameras deployed to enforce straight through movements against red traffic lights at Busway grade crossings on the Orange Line.

A violation occurs when a vehicle enters the rail or busway grade crossing against a red traffic signal or after the railroad gate arms have begun descending. The detection system calculates the speed of the vehicle and signals the camera to capture two photos, one when the vehicle activates the first loop and a second photo as the vehicle proceeds past the second loop and is in the intersection. Then the contractor retrieves all the captured photos and processes them for review and citation processing. Each violation is reviewed in a three-step process before a citation is issued by a licensed law enforcement officer. This 3-step process verifies the vehicle's front license plate against DMV records to establish vehicle ownership. The photos must also show a clear view of the driver in order to issue a valid citation. The 3rd step involves a final review and approval by a LASD deputy after which the citation is mailed to the registered owner. As part of the mailing process, a certificate of mailing is obtained with each notice to appear, certifying when the citation was mailed. The owner has 2 options, either pay the citation or contest it. If the citation is contested, the registered owner or driver can review the citation information and photos by calling the contractor on the 800 number listed on the citation, and making an appointment to review this information. If the motorist still believes that it is not a valid citation, he/she can appear before a Superior Court judge to dispute the citation. A LASD deputy represents LACMTA in this proceeding before the judge. The judge issues a final ruling after hearing from both parties.

In light of the City of Los Angeles' decision to end their RLPE program, the Board approved a motion directing the CEO to report back on three areas of LACMTA's RLPE program:

1. The ability to enforce citations
2. The effectiveness of LACMTA's RLPE program in reducing accidents and unsafe driving behaviors; and
3. Whether engineering countermeasures should be implemented instead.

This report responds to each of these issues.

The RLPE program was added as an enforcement tool to help LACMTA achieve its ultimate safety goals by reducing hazards associated with bus/auto and train/auto accidents at its grade crossings. Revenue generation by issuing citations was never the intent of the program.

Today, LACMTA's RLPE program operates at a gross cost of \$1,821,600 per year for a total of sixty nine (69) active cameras on the Metro Blue, Gold and Orange Lines. Based on today's contract, this cost will escalate to approximately \$3,009,600 once a total of one hundred and fourteen (114) cameras become operational as the Expo Line, Orange Line Phase II, and the Crenshaw Line are opened. It is likely, that based on

historical data, the operations and maintenance of the RLPE program has been cost neutral. Since the revenue received from RLPE citations is consolidated with other types of citation revenues received from the Superior Courts, staff cannot determine the extent of cost neutrality of the program. Other citation revenues include, but are not limited to, fare evasion, eating-drinking, pedestrian trespass, and other grade crossing citations.

Enforcement of Citations

The Rail Traffic Safety Enforcement Act (RTSEA) of 1994 (California Vehicle Code Section 21362.5) authorizes the establishment of an "*automated rail crossing enforcement system*." The legislature found that the RTSEA was necessary due to the expansion of rail transit systems throughout the state. Studies showed that most rail-related traffic accidents were caused by motorists ignoring crossing gates or traffic signals. LACMTA tested an automated rail crossing enforcement system that photographically recorded such violations for a period of months and found that grade crossing violations were reduced by 65% in a demonstration program along a portion of the Metro Blue Line.

In 1995, the year following the adoption of LACMTA's sponsored statute, it appears that the California legislature added California Vehicle Code Sections 21455.5 and 210 at the request of various California cities and counties. Section 21455.5 is much more detailed than the RTSEA and allows any government agency to install "Automated Enforcement Systems" at all places where a driver is required to respond to an official traffic control signal: a standard red, yellow and green light signal. In addition, the public agency desiring to install such a system is required to work directly with a local law enforcement agency, which is responsible for issuing the notices of violation.

In addition, Section 210 was adopted to define an "Automated Enforcement System" which subsumed the existing rail and rail transit systems that were approved under the RTSEA. Although Section 21362.5 has never been repealed, Section 21455.5 essentially swallowed up the RTSEA. Therefore, LACMTA's automated rail crossing enforcement system became subject to the rules and requirements of Section 21455.5.

Unlike other traffic tickets, which are issued directly by a police officer to a driver who then is required to sign a promise to appear in court, tickets issued pursuant to Section 21455.5 are instead mailed to the registered owner of the vehicle involved in the violation. Because the RLPE is authorized by the Vehicle Code, our new Transit Court has no jurisdiction.

Neither Section 21362.5 nor Section 21455.5 gives the Courts jurisdiction over the individual who receives a RLPE citation in the same manner as it does if the citation were issued by a police officer. The City's decision to terminate their program is reported to have been influenced by the Superior Court's unwillingness to enforce payment of the fines because of the lack of jurisdiction, which severely impacted the program's ability to fund itself. As the LACMTA's program is currently tied to the same

set of rules and criteria the City's program operated under, there is a concern that the issues involved in City's decision will have a negative impact on LACMTA's program.

Toward the goal of supporting the continued operation of LACMTA's automated enforcement program, Corporate Safety staff is working collaboratively with LASD, County Counsel, and Government Relations staff to develop new legislative language which will amend the Vehicle Code to separate rail transit and busway photo enforcement programs from the more general photo enforcement programs authorized under Section 21455.5 and, more importantly provide the Courts with the ability to enforce payment of fines for citations issued under LACMTA's RLPE program. The proposed legislation deals with moving violations under the Vehicle Code, which are different from the actions proposed to be handled through LACMTA's Transit Court. Anyone receiving a ticket under the RLPE program must be provided with due process, evidence offered and witnesses challenged, which Transit Court is not equipped to handle. The very substance of the proposed legislation is to create court jurisdiction, not eliminate it by shifting it all to a civil limited jurisdictional venue.

Staff is concerned that should the general public believe they can simply ignore the red light cameras and the resulting tickets, there will be an increase in the number of violations at rail and busway grade crossings; thereby increasing the number of accidents at both gated and non-gated crossings. The LACMTA's program has successfully reduced the number of incidents at rail and busway crossings. LACMTA initially set up its automated enforcement program for the sole purpose of reducing incidents at grade crossings to save lives. Therefore, if the RLPE program continues, it is critical that LACMTA continue to maintain control of its program, modify the statutory language establishing the elements of the program and resolve several of the outstanding issues relating to jurisdiction over those persons being cited by the system.

Effectiveness of LACMTA's RLPE Program

LACMTA's RLPE program has been proven to be successful in reducing the number of accidents on both rail and bus lines. For example, on the Blue Line, the number of citations issued has decreased by 61% when the 2010 monthly average number of citations is compared with the 2004 monthly average. On the Orange Line, a similar comparison resulted in a decrease of 38% when the average number of monthly citations is compared between 2007 and 2010. Whereas other agencies with RLPE may view a reduction of the number of tickets as a problem, LACMTA considers this result proof of the success of the program. What these figures say is that the program is accomplishing its two main goals:

- 1) Creating safer intersections for the rail and bus operators, drivers and the public, and;
- 2) Significantly reducing the number of drivers willing to "take a chance" by ignoring traffic lights and trying to beat the rail vehicle or bus.

Reducing the number of accidents saves lives, which is an immeasurable benefit to society. Also, reducing accidents benefits LACMTA by cutting tort claims, legal fees, and property damage.

Process and Timeline for Payment of Citations

Once a violation is recorded and validated, any citation must be issued/mailed out within fifteen (15) days of the violation date and a response is due within thirty (30) days from the issued/mailed date. A motorist can postpone the response date up to sixty (60) days but has two options, either pay the citation or contest it. If a motorist contests a citation, an arraignment hearing or trial is scheduled which could last up to three (3) months. If at trial the registered owner of the vehicle is not the driver, the citation life cycle could be extended.

Because of the lag time between citation issuance and adjudication, this report includes the disposition of citations issued only in the months of August and September. Based on this limited data and the timeline for payment of citations, staff believes that in order to do a thorough evaluation of LACMTA's RLPE program, the disposition of citations issued in the months of October through December 2011 need to also be evaluated. This will provide a more accurate assessment of the impact of the City's decision on LACMTA's RLPE program.

Therefore, staff's evaluation period has been extended to include citations issued through the end of December 2011. Because of timelines explained earlier, staff will present its findings for the total five month evaluation period (August through December) at the May meeting.

Table 1 presents the data for LACMTA's RLPE program for Calendar Year 2011 (Year-to-date) which includes data only for August and September 2011 after the decision by the City of LA to terminate its RLPE program in July 2011.

LACMTA Rail / Busway Safety Program									
TABLE 1	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11
Violations Recorded¹	3,150	2,954	3,623	3,696	4,022	3,587	3,565	3,783	3,755
Citations Issued¹	1,585	1,522	1,661	1,766	1,758	1,382	1,311	1,360	1,420
Citations Paid²	1,091	1,106	1,170	1,026	955	966	654	733	634
Citations Contested³	213	165	278	263	264	329	250	270	312
Citations Open^{2,4}	524	563	696	794	949	954	1,123	1,304	1,415
Accidents⁵	2		1	1			1	2	2

1 Source: Affiliated Computer Services (ACS) CiteWeb system; violation date not issuance date
2 Source: Superior Court (LASC) case management system; monthly LASC case disposition update to ACS
3 Source: Sheriff's Department (LASD); trial dockets
4 Based on September 2011 update for all months
5 Source: LACMTA Corporate Safety; Orange Line accidents at photo enforced intersections

Alternative Engineering Countermeasures

LACMTA staff discussed the recommendation in the September 22, 2011 motion of increasing the yellow and red phases of the traffic signals with Los Angeles Department of Transportation (LADOT) and Los Angeles County Department of Public Works (LACDPW) staff. At a recent LA City Council meeting, LADOT management stated that they do not believe that increasing yellow times or all-red times deters red light running. Furthermore, LADOT is constrained to set the yellow and all-red times based on State and Federal guidelines, which they strictly adhere to. Also, LADOT does not believe that any increases in these values will result in a reduction of red light running. This position was supported by LACDPW.

LACMTA's photo enforcement program primarily targets reducing accidents resulting from illegal turns across train tracks or busway lanes. These are slow-speed moves where an extended yellow light period is not going to deter someone from running the light. According to LADOT, setting some locations with a longer yellow for left turns could lead to more problems at other locations with the correct amount of yellow time for a similar left turn. Having different yellow light periods at various intersections may confuse drivers into thinking all of the traffic signals have longer yellow light periods, resulting in more violations and possible accidents. Safety staff agrees with LADOT's assessments.

It is important to note that in order to mitigate and reduce incidents involving train/vehicles on the Blue Line, LACMTA has already implemented numerous engineering countermeasures. As an alternative to RLPE, LACMTA has implemented:

- Installation of Four-Quadrant Gates
- Installation of "TRAIN Coming" Active Signs
- Modification of Train Signals from "T" indications to lunar bar indications
- Installation of Median Islands

All these measures provide lessons learned and were included as part of the design of new light rail projects: the Gold Line, the Gold Line's Eastside Extension, and the Expo Line. However, it should be noted that, depending on geometrics, these measures may not be applicable to all intersections. Therefore, photo enforcement may be the only viable safety element available.

In addition to the existing countermeasures, LACMTA staff is working on implementing improvements on the Gold Line as described in the Eastside Quad Gate Study. These improvements include but are not limited to:

- Programmed Visibility Signal Head adjustment
- Restriping
- Elimination of curb parking spaces
- Advance train detection
- Trial demonstrations of illuminated traffic signal backplates and in-roadway warning lights (IRWLs).

NEXT STEPS

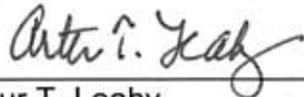
In May 2012, staff will:

- Report back to the Board on the results of the RLPE extended evaluation, and make a recommendation on whether to continue the RLPE program; and
- Update the Board on the status of the additional countermeasures described in this report.

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