

## INTRADEPARTMENTAL CORRESPONDENCE

BPC #11-0235

June 7, 2011  
16.2

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** DETAILED SCORING LEADING TO THE SELECTION OF AMERICAN TRAFFIC SOLUTIONS, INC. AS THE RECOMMENDED AUTOMATED PHOTO RED LIGHT ENFORCEMENT PROGRAM CONTRACTOR

### RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE the contractor selection of American Traffic Solutions, Inc. to provide Automated Photo Red Light Enforcement Program services.
2. That the Board TRANSMIT the contractor selection of American Traffic Solutions, Inc. to the City Council for review and approval.
3. That the City Council DIRECT the Chief of Police to negotiate and execute the contract with American Traffic Solutions, Inc.

### BACKGROUND

On June 23, 2010, the Los Angeles City Council authorized the Chief of Police to release a Request for Proposal (RFP) for the Photo Red Light (PRL) Program and to expedite the selection process.

On September 15, 2010, the RFP was released with the approval of the City Attorney. The Department held its mandatory Pre-Proposal Conference on September 30, 2010, and met with prospective proposers. On October 28, 2010, the Department received proposals from the following three contractors:

1. American Traffic Solutions, Inc. (ATS)
2. Affiliated Computer Services, Inc. (ACS)
3. Redflex Traffic Systems (RTS)

Two of the three contractors that submitted proposals (ATS and RTS) are headquartered in Arizona. The Department is aware of the City Council resolution (C.F. No 10-0002-S36), passed on May 12, 2010, which gives the following direction to all City Departments:

*“To the extent practicable, and in instances where there is no significant additional cost to the City nor conflict with the law, to refrain from entering into any new or amended contracts to purchase goods or services from any company that is headquartered in Arizona.”*

The City Attorney’s office advised that the above resolution should **not** be considered as criteria for the evaluation phase of the contractor selection process. Rather, the decision to include or exclude certain contractors on this basis should be left to the discretion of the Board of Police Commissioners or Elected Officials, after there had been a thorough evaluation of each contractor.

A committee of seven members, encompassing personnel from the Los Angeles Department of Transportation (LADOT) and the Photo Red Light Unit of the Los Angeles Police Department (LAPD), were responsible for the evaluation of each contractor. The evaluation consisted of three phases: Proposal Review, Background Checks, and Oral Interviews. At the end of the three phases, the Contractors were scored on a totality basis according to predetermined criteria. The scores were then presented to the Executive Review Committee.

## **EVALUATION PROCESS**

### Phase One – Proposal Review

Each RFP proposal package was reviewed by every member of the Evaluation Committee. The quality of the company, the services provided, and the technology offered were evaluated, compared and contrasted. Questions or areas of concern were noted and reserved for the interview.

### Phase Two – Background Checks

Three committee members were assigned the task of background checks. Past and current clients were questioned about the contractor’s capability and performance. The results of the conversations were recorded on pre-written questionnaires and disseminated to other members of the evaluation committee to aid in their evaluation.

### Phase Three – Oral Interviews

On February 8, 2011, interviews were conducted with the proposed contractors to answer questions relating to their RFP proposal response and to clarify issues. A representative from the City Administrative Officer (CAO) participated in the interviews as an observer. Committee members considered measures taken by each contractor to implement an automated enforcement program and to provide the support and services necessary to establish a successful program.

## **SCORING OF CONTRACTORS**

Each member of the evaluation committee considered each contractor on a totality basis, factoring the Proposal Review, Background Checks, and Oral Interviews into their overall assessment. Each member then provided a numerical score for the five below listed categories. Scores for each category were tallied, and then divided by the seven committee members for an overall average. Points were awarded according to the following criteria:

### 1. Cost-Benefit (25 Points Maximum)

- A. Did the contractor provide an itemized listing of what the City is paying for?
- B. Does the total program cost have a negative impact on the City's General Fund?
- C. Are contractor's fees proportionate to the services offered?

### 2. Record of Past Performance (25 Points Maximum)

- A. Submission of history of past work performed on projects similar in nature.
- B. When problems are identified, are they resolved in an expeditious manner?
- C. Is the project director responsive to client needs, and how often does he meet with the client?
- D. How often is the equipment checked in the field?
- E. Problems associated with getting the system in place and meeting the construction schedule.
- F. Does the contractor provide an expert witness for court and assist the client to win cases?
- G. If a fixed fee contract, what has been the responsiveness of contractor to repair equipment?

### 3. Technical Requirements (20 Points Maximum)

- A. Cameras, do they meet proposal requirements?
- B. Detection System, does it meet the proposal requirements?
- C. System Operation, how often are photos retrieved or images downloaded as stated in the RFP?
- D. Commitment to repair problems within 48 hours.
- E. Commitment to develop a citation form acceptable to the Judicial Council.
- F. Commitment to electronically send the LAPD notice of violations within five working days of retrieval of data.
- G. Commitment to be responsible for issuance and mailing of all approved citations by the legal expiration date.
- H. Commitment to arrange viewing appointments with the LAPD and provide color photo within two days of a request.
- I. Commitment to prepare court case packages.
- J. Commitment to provide expert witnesses.
- K. Commitment to provide a monthly report to the City.
- L. Commitment to provide training to City staff.

4. Technical Competence (20 Points Maximum)

- A. Project director's ability to handle the program and resolve problems quickly.
- B. Does the proposal adhere to the RFP format?
- C. Capability to meet construction schedule and repair problems quickly.
- D. Information about each key person assigned to the project and their experience.
- E. Capability to process citations within 11 days so that citations can be mailed.
- F. Subcontractors, submit qualification documents.
- G. Verifiable evidence of financial capability.
- H. Verifiable evidence of processing capability.
- I. Verifiable evidence of working with the California Court System.

5. Additional Considerations (10 Points Maximum)

- A. Verifiable record of working harmoniously and cooperatively with clients.
- B. Commitment to have project director and other staff located in the Los Angeles area.
- C. Innovative approaches to increase efficiency and effectiveness of operations.
- D. Other, additional proposals to show how the contractor wants to conduct the project.

**EVALUATION RESULTS**

The evaluation resulted in a ranking of the contractors: (1) ATS, (2) ACS, (3) RTS based on the average total scores listed below:

Contractor	Cost	Record of Past Performance	Technical Requirements	Technical Competence	Additional Considerations	Total Points
ATS	19.86	23.29	19.43	19.29	9.00	<b>90.87</b>
ACS	19.29	21.43	15.00	18.00	7.43	<b>81.15</b>
RTS	17.71	17.14	15.29	14.57	5.57	<b>70.28</b>

**SUMMARY OF RESULTS**

While each contractor has strengths and weaknesses, ATS stood out as the best contractor for the City's program. The higher fees proposed by ATS represent a higher value, with more comprehensive and better quality services than the other contractors. ATS has a good track record with the City, having serviced the existing PRL contract for the last 18 months. The program manager is diligent, hard working and responsive to the City. ATS will offer the smoothest transition to the next contract, with minimal down time.

ACS lost the prior PRL contract with the City. Their new affiliation with Xerox seems to have improved the company, and they also presented a solid bid. The major obstacle to ACS is that there are aspects of their PRL services that are unproven. The technology they offer appears to be on par with the industry standard, but it is not in broad use in California and is relatively untested.

RTS presented a competitive bid, but the overall assessment of the evaluation committee was that the services offered and overall quality did not represent a good value, even though RTS proposes the lowest fees. During the background check phase of the evaluation, current and past RTS clients voiced complaints that caused some concern.

The Evaluation Committee recommended the selection of ATS as the next PRL contractor and presented the findings to the Executive Review Committee (ERC).

### **EXECUTIVE REVIEW COMMITTEE**

On April 18, 2011, the Evaluation Committee Co-chairs from LAPD and LADOT met with the Executive Review Committee (ERC). The ERC, comprised of command staff from the LAPD and the Los Angeles County Sheriff's Department, command staff from LADOT and CAO, reviewed all documentation which included copies of the evaluations forms, reference contact sheets as well as the scoring sheets and recommendations of that Committee.

The ERC met privately and concurred with the recommendations of the Evaluation Committee that the contract be awarded to American Traffic Solutions, Inc. The selection of American Traffic Solutions, Inc. was unanimous by the ERC, due to its proven technology, successful working relationship with the City and services offered as compared to the remaining contractors.

The two options provided by ATS are permissible to the Department as long as funding is allowed.

### **RFP COST ANALYSIS**

The cost analysis considers four scenarios for each contractor and deployment of the cameras.

- **Scenario 1: ATS - Retention of current 32 PRL Intersections:**
  - The City would continue to enforce the current 32 PRL locations, with no redeployment.
  - Half of the cameras would be retrofit with new equipment, and the other half would continue to operate with the current equipment. The back-end server would be changed for all intersections.
  - ATS offers a discount for this option, with an average fee per intersection of \$7,786.19/mo (for a three year contract) and \$7,501.43/mo (for a five year contract). (The cost per intersection under the current contract is \$8,125).

- **Scenario 2: ATS - Redeployment of 16 PRL Intersections to New Locations:**
  - The City would discontinue enforcement at half of the locations and select the other locations according to enforcement needs.
  - Contractor fees for new locations are not discounted. Average fee per intersection would be \$10,424.29/mo (for a three year contract) and \$10,258.57/mo (for a five year contract). Higher revenues can be expected from increased citation issuance.
  
- **Scenario 3: ACS:**
  - PRL Cameras would be deployed according to enforcement needs. Some locations may be retained, but many new locations will be selected.
  - No discounts offered. Flat fee per intersection of \$9,550/mo (for a three year contract) and \$9,098/mo (for a five year contract). Higher revenues can be expected from increased citation issuance.
  
- **Scenario 4: Redflex:**
  - PRL Cameras would be deployed according to enforcement needs. Some locations may be retained, but many new locations will be selected.
  - No discounts offered. Flat fee per intersection of \$8,598/mo (for a three year contract) and \$7,998/mo (for a five year contract). Higher revenues can be expected from increased citation issuance.

**SCENARIO 1: ATS - Retention of Current 32 PRL Intersections**

INCOME:	THREE YEAR (PLUS 2)		FIVE YEAR (PLUS TWO)	
	PER YEAR	TOTAL (x5)	PER YEAR	TOTAL (x7)
Court Revenue (2010)	\$4,443,356	\$22,216,780	\$4,443,356	\$31,103,492
<u>(Court Reporter Fund Adjustment)*</u>	<u>(\$799,804)</u>	<u>(\$3,999,020)</u>	<u>(\$799,804)</u>	<u>(\$5,598,628)</u>
<b>TOTAL NET REVENUE</b>	<b>\$3,643,552</b>	<b>\$18,217,760</b>	<b>\$3,643,552</b>	<b>\$25,504,864</b>
<b>EXPENSES:</b>				
(Contractor Fees)	(\$2,943,180)	(\$14,715,900)	(\$2,835,540)	(\$19,848,780)
<u>(Salaries-Cap Rate)</u>	<u>(\$1,170,900)</u>	<u>(\$5,854,500)</u>	<u>(\$1,170,900)</u>	<u>(\$8,196,300)</u>
<b>SUB-TOTAL (EXPENSES)</b>	<b>(\$4,114,080)</b>	<b>(\$20,570,400)</b>	<b>(\$4,006,440)</b>	<b>(\$28,045,080)</b>
<b>TOTAL</b>	<b>(\$470,528)</b>	<b>(\$2,352,640)</b>	<b>(\$362,888)</b>	<b>(\$2,540,216)</b>

**SCENARIO 2: ATS - Redeployment of 16 PRL Intersections to New Locations**

	THREE YEAR (PLUS 2)		FIVE YEAR (PLUS TWO)	
	PER YEAR	TOTAL (x5)	PER YEAR	TOTAL (x7)
<b>INCOME:</b>				
Court Revenue	\$4,314,865	\$21,574,325	\$4,314,865	\$30,204,055
<u>(Court Reporter Fund Adjustment)*</u>	<u>(\$776,676)</u>	<u>(\$3,883,380)</u>	<u>(\$776,676)</u>	<u>(\$3,883,380)</u>
<b>TOTAL NET REVENUE</b>	<b>\$3,538,189</b>	<b>\$17,690,945</b>	<b>\$3,538,189</b>	<b>\$26,320,675</b>
<b>EXPENSES:</b>				
(Contractor Fees)	(\$3,940,380)	(\$19,701,900)	(\$3,877,740)	(\$27,144,180)
(Salaries-Cap Rate)	(\$1,170,900)	(\$5,854,500)	(\$1,170,900)	(\$8,196,300)
<b>SUB-TOTAL (EXPENSES)</b>	<b>(\$5,111,280)</b>	<b>(\$25,556,400)</b>	<b>(\$5,048,640)</b>	<b>(\$35,340,480)</b>
<b>TOTAL</b>	<b>(\$1,573,091)</b>	<b>(\$7,865,455)</b>	<b>(\$1,510,451)</b>	<b>(\$9,019,805)</b>

**SCENARIO 3: ACS**

	THREE YEAR (PLUS 2)		FIVE YEAR (PLUS TWO)	
	PER YEAR	TOTAL (x5)	PER YEAR	TOTAL (x7)
<b>INCOME:</b>				
Court Revenue	\$4,314,865	\$21,574,325	\$4,314,865	\$30,204,055
<u>(Court Reporter Fund Adjustment)*</u>	<u>(\$776,676)</u>	<u>(\$3,883,380)</u>	<u>(\$776,676)</u>	<u>(\$3,883,380)</u>
<b>TOTAL NET REVENUE</b>	<b>\$3,538,189</b>	<b>\$17,690,945</b>	<b>\$3,538,189</b>	<b>\$26,320,675</b>
<b>EXPENSES:</b>				
(Contractor Fees)	(\$3,609,900)	(\$18,049,500)	(\$3,439,044)	(\$24,073,308)
(Salaries-Cap Rate)	(\$1,170,900)	(\$5,854,500)	(\$1,170,900)	(\$8,196,300)
<b>SUB-TOTAL (EXPENSES)</b>	<b>(\$4,780,800)</b>	<b>(\$23,904,000)</b>	<b>(\$4,609,944)</b>	<b>(\$32,269,608)</b>
<b>TOTAL</b>	<b>(\$1,242,611)</b>	<b>(\$6,213,055)</b>	<b>(\$1,071,755)</b>	<b>(\$5,948,933)</b>

**SCENARIO 4: REDFLEX**

	THREE YEAR (PLUS 2)		FIVE YEAR (PLUS TWO)	
	PER YEAR	TOTAL (x5)	PER YEAR	TOTAL (x7)
<b>INCOME:</b>				
Court Revenue	\$4,314,865	\$21,574,325	\$4,314,865	\$30,204,055
<u>(Court Reporter Fund Adjustment)*</u>	<u>(\$776,676)</u>	<u>(\$3,883,380)</u>	<u>(\$776,676)</u>	<u>(\$3,883,380)</u>
<b>TOTAL NET REVENUE</b>	<b>\$3,538,189</b>	<b>\$17,690,945</b>	<b>\$3,538,189</b>	<b>\$26,320,675</b>
<b>EXPENSES:</b>				
(Contractor Fees)	(\$3,250,044)	(\$16,250,220)	(\$3,023,244)	(\$21,162,708)
(Salaries-Cap Rate)	(\$1,170,900)	(\$5,854,500)	(\$1,170,900)	(\$8,196,300)
<b>SUB-TOTAL (EXPENSES)</b>	<b>(\$4,420,944)</b>	<b>(\$22,104,720)</b>	<b>(\$4,194,144)</b>	<b>(\$29,359,008)</b>
<b>TOTAL</b>	<b>(\$882,755)</b>	<b>(\$4,413,775)</b>	<b>(\$655,955)</b>	<b>(\$3,038,333)</b>

**Note:** The contractor fees are calculated based on the City's current 63 approach deployment (Venice Boulevard and Grand Avenue is a one-way street), which translates to 31.5 intersections.

The salaries attributed to the program represent (1) Sergeant II, (4) Police Officer III's, and (2) Police Officer II's.

Court revenue for Scenario 1 is based on court revenues actually received in 2010. Court revenue projections for Scenarios 2 through 4 are based on the current citation volume that is generated from the existing PRL intersections, which is 45,000 per year. Although redeployment to new intersections may increase citation volume, this is not reflected in the cost analysis. The revenue is adjusted by the current payment rate of 61 percent, and multiplied by the City's share of each citation, which is currently \$157.19. (45,000 citations x 61% x \$157.19 = \$4,314,865 of gross court revenue a year).

The gross court revenues are further adjusted for the City's contribution to the Reporters Salary Fund, per Government Code 72712. The result is an average reduction of 18% a year.

The analysis assumes the same citation issuance rate would be achieved by all three vendors. The current PRL issuance rate under ATS is 95 percent. A different vendor may, or may not, be able to achieve this issuance rate for the City's program, which would affect citation volume, and consequently, court revenues. This possible disparity in citation issuance rate is also not reflected in the analysis.

## **OPERATING BUDGET**

The current approved operating budget for the PRL program for Fiscal Year 2011/12 is \$2,760,000. This amount does not provide sufficient funding to cover the costs associated with the contractors' fees portion of any of the proposed PRL solutions. The Department does not have an additional source of funding to cover this shortfall. The revenue generated from the citations is not recuperated by the Department; these revenues are earmarked for the City's General Fund and Traffic Safety Fund, according to a 60/40 split, respectively.

In a report to the Mayor and City Council, dated June 4, 2010, the Chief Administrative Officer (CAO) identified the Traffic Safety Fund as a legitimate source of funding for the PRL program:

"Funds in the Traffic Safety Fund can legally be used for a virtually any traffic safety purpose other than police officer salaries. Historically, the City has used these funds for services such as crossing guards, emergency street repair, and street improvements. It should be noted that, while it has not been done in the past, the



contract costs relating to Photo Red Light could be a legally acceptable use of the Traffic Safety Fund revenue.” (CAO File 0150-09220-0000)

## **ADDITIONAL CONSIDERATIONS**

### **COLLISIONS AT PRL INTERSECTIONS VS CITYWIDE COLLISIONS**

During the period of 2004 to 2010, the PRL program has issued over 183,000 red light citations. Although it is not possible to measure the global effect on driver behavior that this enforcement has produced, it has no doubt increased driver awareness and decreased violations City wide.

This effect has particularly been demonstrated at the 32 intersections where the cameras are installed. During the aforementioned period, these intersections have experienced a 62 percent decrease in red light related traffic collisions, with no significant increase in rear-end collisions. By comparison, Red light collisions have decreased City Wide by 22 percent, and total City wide collisions have decreased by ten percent.

### **ARIZONA BOYCOTT**

The City Council ordinance pertaining to CF 10-0002-S36 is still being reviewed and drafted by the City Attorney’s Office. As stated earlier, the City Attorney’s office advised that the City Council Resolution should **not** be considered as criteria for the evaluation phase of the contractor selection process. Rather, the decision to include or exclude certain contractors on this basis should be left to the discretion of the Board of Police Commissioners or Elected Officials, after there had been a thorough evaluation of each contractor.

While ATS and RTS are headquartered in Arizona, they each have processing centers in the Los Angeles area. ATS, for example, currently runs all aspects of the City’s PRL program through their subsidiary company, ATS-California, which is headquartered in Burbank, and employs 18 local people. RTS also has a small processing center in Culver City. Both ATS and RTS have committed to moving these offices to the City if awarded the next contract. ACS is headquartered in Dallas, Texas.

### **CALIFORNIA STATE ASSEMBLY BILL 29**

California State Senator Joe Simitian introduced Assembly Bill 29 which would establish statewide requirements for the installation and operation of traffic enforcement cameras, and make it easier to contest PRL citations. On May 16, 2011, this Bill was approved by a vote of 36-0 in the State Senate. The Bill adds several regulations that would impact the City’s PRL program. The Bill also provides for criminal sanctions against Governmental agencies that fail to comply with the new requirements.

Some of the new requirements could result in revenue reduction, as they would require the citations to inform the cited individual, in cases where the R/O is not the driver, that they are not obligated to provide the identity of the driver. In addition, some of the tasks that are currently performed by the Contractor and LASC would be reassigned to the City, which would increase staffing expenses. The Department has not calculated the expense at this time, should the Bill become law.

#### **COLLECTION AND PAYMENT RATES:**

##### **Forthwith Payments:**

Citations that are paid on or before the due date are considered “forthwith payments.” Currently approximately 37 percent of PRL citations are paid on or before the due date.

##### **Collection Rate:**

The Los Angeles Superior Court (LASC) provided the Department with a spreadsheet reporting the “collection rates” of PRL cases for the last five years.

The LASC considers a “collection rate” to be the recovery of those delinquent cases that have been referred to a collection agency. The LASC reports a collection rate of 23 percent after the first year and rises to nearly 38 percent after four years. The rates are cumulative each year and reflect that the average payment time for a citation is beyond one-year.

##### **Payment Rate:**

“Payment rate” is the more appropriate figure to use to determine the total payment of PRL citations as it reflects the revenue collected from citations including forthwith payments, and collection payments. Currently, the cumulative payment rate is 61 percent.

#### **FATALITIES AT NON-PRL INTERSECTIONS**

The Department conducted an inquiry of the SWITRS and Crossroads Collision Database systems to determine the number fatalities at Non-PRL intersections from 2008-2009. During this period, there were 26 deaths and over 3,700 injuries as a result of a red light violation at Non-PRL controlled intersections.

#### **FATALITIES AT PRL INTERSECTIONS**

Since January 2004, there have been six fatalities that are reported as occurring at non-retrofitted PRL intersections (Retrofitted intersections, where a PRL camera was present under the old contract, were excluded from this analysis because of the confusion associated with multiple activation dates). Of the six fatalities, three of these occurred prior to activation of the current PRL program, and three of these occurred after activation. An experienced traffic investigator manually reviewed each traffic report to determine if the collisions were red-light related. While the three fatal collisions prior to the activation

were red-light related, none of the fatal collisions at PRL intersections after activation was red-light related. The following information provides the details of the six fatalities.

**Collisions Prior to Activation:** Three collisions were determined to be red-light related.

1. **Western Av. and Martin Luther King Jr Blvd, 2/9/2004:** A bicyclist, riding E/B across Western Ave (note: this is not jay-walking), was broadsided by a vehicle driving N/B on Western Ave. The bicyclist was struck approximately 33 feet away from the far side of the intersection, which is about a car-length and a half. Witnesses stated that the vehicle was traveling very fast in an attempt to beat the yellow light. Although the witnesses were not sure if the light was red when the vehicle entered the intersection, this collision was still caused by behavior that is targeted by the PRL program.
2. **Grand Av. and Venice Blvd., 3/5/2005:** A vehicle being driven by a teenage driver, with four of her teenage friends in the car, ran a mid-phase red light and was broadsided by an MTA bus, killing a 16-year-old boy in the back seat. The red light violation was substantiated by independent witnesses. The driver claimed that she was not paying attention.
3. **Figueroa St. and Manchester Av., 4/6/2006:** A 44-year old woman, driving a Dodge Durango at approximately 60-70 mph (according to witnesses), ran a red light and broadsided a Nissan Maxima, killing the 21-year-old driver. The witnesses stated that the Nissan had just received a green light, indicating that the Durango ran the light within the first few seconds of the red phase. The collision occurred at 12:30 AM. The driver claimed that she was tired and was not sure what color the light was.

**Collisions After Activation:** The three collisions that occurred after activation of the current program were determined to be not red-light related.

1. **Van Nuys Blvd. and Arleta Av., 2/12/2008:** A motorcyclist collided with the side of a vehicle that was negotiating a left turn into a parking lot driveway, 50 feet away from the intersection.
2. **Victory Blvd. and Sepulveda Blvd., 2/20/2008:** The driver with a green light lost control of his vehicle in the rain, ran off the road and collided with a pedestrian, who was sitting on a bus bench, 69 feet away from the intersection.
3. **Vernon Av. and Broadway, 9/8/2008:** A speeding driver, fleeing from Department officers in pursuit, collided with a vehicle negotiating a left turn at the intersection on a green light. The collision caused the vehicle to collide with a pedestrian on the sidewalk.

## **RIGHT TURN ON RED ENFORCEMENT**

The enforcement of so-called “right-turn on red ” (RTR) violations has raised questions from policy makers and members of the public concerning fairness, and whether or not these violations pose a serious public safety risk.

### **Fairness**

The Department is in favor of a system that would give officers more discretion in enforcement, with the ability to apply lesser penalties for less egregious violations. However, California law currently does not permit a distinction between red light violations that involve right-turns versus straight-through movements.

On February 29, 2008, Assistant City Attorney Deborah Gonzales, Police General Council, provided the Department with an official City Attorney opinion, advising the Department to cite both right-turns and straight-through violations under a single statute: California Vehicle Code Section 21453(a).

Recent legislative attempts to distinguish right-turn from straight-through violations and to impose lesser fines for the former have been rejected by State government. For example, Assembly Bill 909 (from 2010 legislative session), which would have reduced the fine for right-turn violations, was vetoed by former Governor Arnold Schwarzenegger on September 29, 2010. He offered the following justification for the veto:

*A driver running a red-light, whether they are traveling straight, or turning right, makes a very dangerous traffic movement that endangers the nearby motoring public, bicyclists, and pedestrians. Modifying existing law to make red-light violations from a right turn less egregious sends the wrong message to the public that California is tolerant of these types of offenses. It is our responsibility to protect the motoring public and not increase the risk of traffic collisions.”*

### **Warning Notices**

In recognition of the need for more discretion in enforcement, and in an effort to bolster driver education and awareness, the Department is considering the implementation of a “warning notice” system with its next PRL contract. Officers assigned to the PRL Unit currently have only two options: “cite” or “discard.” Over 5,000 citations a year are discarded in this way. Most of these events are actual violations of law, but are not egregious enough to warrant an expensive citation. Additionally, the PRL cameras are set to capture only vehicles traveling above a threshold of approximately 10 mph. It is not possible to know exactly how many violations are excluded under these parameters, but it is likely in the thousands. Each citation that is discarded, whether by officer discretion or the camera threshold, is a lost opportunity to educate the driving public.

The Department seeks to provide officers with an option to issue a warning notice to the driver, explaining the violation and delivering an admonishment. This better replicates the

options the officer would have in the field. Preliminary discussions have indicated that such a system is feasible, since all PRL systems must, by law, already be equipped with the ability to issue warning notices for at least the first 30 days after camera activation.

### **Quality of Life**

The question of whether or not RTR violations are associated with a significant quantity or severity of collisions is reasonable and valid. The Department has conducted a statistical analysis of collision data, which is discussed below. An additional consideration, however, is pedestrian and bicyclist safety. Officers who work the PRL Unit report daily occurrences of drivers who come dangerously close to pedestrians and bicyclists, or violate their right-of-way.

### **RTR COLLISION ANALYSIS**

The Department sought to conduct an analysis for RTR violations that resulted in serious injury or death. This analysis was complicated by divisional database limitations. In lieu of the divisional databases, the Department utilized the Statewide Integrated Traffic Records System (SWITRS) database maintained by the California Highway Patrol (CHP) along with the Crossroads Collision Database system utilized by LADOT. The data was filtered to include only collisions within the City. This database is updated through 2009, so the query included collisions from 2006-2009.

The Department queried the database for all City wide collisions in which the cause, or contributing factor, of the collision is identified on the report as CVC Section 21453(a) (b) or (c). These collisions were then filtered to include only those where the vehicle was identified as making a right hand turn. The results of this query represent the minimum number of RTR collisions. Some RTR collisions will not be represented for the following reasons:

1. The violation that actually caused, or contributed to the collision, may not be coded on the report. In the absence of independent witnesses to substantiate a red light violation, an investigating officer may use a "failure to yield" or other section. Given the available evidence, the officer may find the pedestrian or bicyclist most at fault, even if a red light violation contributed to the collision.
2. Traffic reports will not always document the driver's intention to turn right. RTR collisions with bicyclists and pedestrians most often occur on the perpendicular crosswalk on the near side, before the vehicle has entered the intersection or begun its turn. In these cases, the vehicle will usually be in the curb lane, but the fact that the driver was intending to turn right may not be apparent from the investigation, or may be deemed irrelevant by the investigating officer. As a result, many right-turn collisions will be documented as straight through collisions.

The results of the query are listed in the table below:

**Minimum RTR Collisions in the City, 2006-2009:**

Fatalities	3
Severe Injury	7
Other Injury	290
Property Damage	119
<b>Total:</b>	<b>419</b>

**Note:** The three fatal collision reports were manually reviewed by a collision investigation officer and confirmed to be RTR related.

**Citywide RTR Fatalities, 2006-2009 (details):**

1. **3<sup>rd</sup> Street and Doheny Drive:** (02/22/06) A vehicle negotiating a right turn on a red light collided with a 76 year old pedestrian in the perpendicular crosswalk. The pedestrian died several days later as a result of the blunt force trauma injuries.
2. **Highland Ave and Odin Street:** (01/25/07) A vehicle negotiating a right turn on a red light drove into the path of a motorcycle approaching from the left. The motorcyclist was ejected and died at the hospital as a result of his injuries.
3. **Olympic Blvd and Hope Street:** (12/29/08) A vehicle negotiating a right turn collided with a pedestrian in the parallel crosswalk. The investigating officer listed an associated factor of 21453(b) VC (Red Light-Right Turn).

It is the Department's position that the statistical data, along with the other issues addressed above, represent a traffic safety problem that supports consistent, targeted enforcement of RTR violations.

**RESOURCES REQUIRED FOR COMPARABLE FIELD ENFORCEMENT**

One of the advantages of automated enforcement is that it leverages technology as a tool to assist the LAPD in the enforcement of red light violations in a more efficient manner than can be achieved through traditional field enforcement alone.

**Frequency of Violations and Time Management**

While the safety of intersections varies, red-light violations do not happen very frequently at any given intersection. For example, on average there are four violations each day at each of the 32 PRL intersections in the City and these intersections represent some of the more dangerous intersections in the City. Resultantly, uniform officers tend to focus their available time on more productive traffic enforcement. According to the 2009 LAPD Statistical Digest, field enforcement issued six times more speeding tickets than red-light tickets (73,354 speeding citations versus 12,300 "signal light" citations).

**How Many Officers Would It Take to Replace the PRL Program?**

The City Controller's audit of the PRL Program indicated that it would require at least one hundred traffic enforcement officers to achieve comparable enforcement to the PRL Program. This was a conservative estimate, based on the number of officers required to achieve continuous 24-7 coverage of the existing 32 PRL intersections.

A more precise number can be determined using the below formula, which assumes the enforcement is performed by a P-2, traffic collision investigator (CI) working a 3/12 deployment shift with a vacation of (1) DP a year.

Note that this is a minimum number, as it assumes constant enforcement, with no roll call, break time, travel time, or administrative duties, and does not factor in the lost enforcement time during the actual traffic stop.

**Officers Required for continuous coverage of 32 intersections:**

- **Hours of Coverage Needed:**  
 $24 \text{ hrs per day} \times 365 \text{ days a year} \times 32 \text{ intersections} = 280,320 \text{ hours of coverage}$
- **Hours of Coverage Per Officer, Per Year:**  
 $12 \text{ hrs per shift} \times 13 \text{ days per DP} \times 12 \text{ DP's (1 DP vacation)} = 1,872 \text{ hours}$
- **Number of Officers Needed:**  
 $280,320 \text{ hrs of coverage needed} / 1,872 \text{ hrs per officer} = \mathbf{150 \text{ Officers}}$

**What Would it Cost?**

The cost to the City's General Fund would be approximately \$29,393,520 per year to deploy an equivalent 150 officers (salary costs and benefits).

**CITATIONS WITH GENDER MISMATCH**

The Department follows the existing State wide guidelines for the issuance of PRL citations (Section 40519 CVC). It requires the initial PRL citation to be mailed to a registered owner (R/O) of the violating vehicle. Personnel who process PRL citations obtain the name of the R/O from the photograph of the license plate taken at the time of the violation. A corresponding driver's license number for the R/O is obtained by matching the name and address. In cases where a vehicle is registered under two different names that appear to be different genders, an attempt is made to issue the citation to the registered owner who best matches the age and gender of the photo.

It is the policy of the PRL program to not discard a citation for cases of apparent gender mismatch, but to request the registered owner to identify the driver. Existing State wide protocols require the cited R/O to go to traffic court or contact the citing officer directly to resolve the citation if the R/O is not the individual who committed the violation. The Department is researching the possibility of modifying the citation to include a statement advising the cited individual that they are not required to identify the driver.

## **INTERSECTION SELECTION CRITERIA**

It is the Department's goal to select new PRL intersections according to criteria that will achieve maximum effectiveness. PRL cameras serve not only to apprehend violators, but as a deterrent and public education campaign. The collision history at prospective intersections will be given high consideration, especially collisions that are caused by red light running.

The Controller's audit of the PRL program indicated that distribution according to Council District was too narrow to achieve the targeted enforcement that is desired. As the Department stated in response to the Controller, the area boundaries will be broadened by seeking to place an equal number of PRL intersections in each of the four geographic bureaus. Prior to installing a PRL camera, a thorough engineering analysis will be completed to ensure that all feasible countermeasures have been implemented, all concerns about fairness are addressed, and that the additional targeted enforcement is necessary to increase safety.

## **ENGINEERING COUNTERMEASURES**

### **Yellow Change Interval and Red Clearance Interval**

LADOT is responsible for determining all traffic signal timing in the City. LADOT policy has been to meet or exceed California standards.

The LADOT revises the yellow change interval and the red clearance interval when a new speed limit is established, when signal construction projects occur, or when traffic signal system (synchronization/automated control) is upgraded.

The all-red clearance interval is an interval when all the signals are red, in all directions, and is intended to clear motorists who have already entered the intersection at the end of the yellow change interval. The California Manual on Uniform Traffic Control Devices does not require jurisdictions to implement an all-red clearance interval. Section 4D.10 states that "When used, red clearance intervals normally range from 0.1 to 2.0 seconds."

At this time LADOT is not supportive of further extending the yellow change or red clearance intervals.

### **Other Tools**

The LAPD and LADOT agree that engineering countermeasures are an integral part of an overall traffic safety strategy. The LADOT's traffic safety design, programs, and policies predate studies and guidelines nationwide which promote engineering countermeasures as a first-use tool in reducing incidences of red light running violations and/or related crashes.



However, the success of even the most rigorous engineering program still depends on the ability of police enforcement to effectively enforce the regulations related to the engineering applications. Safety experts and researchers continue to support the proven concept that a community's safety is best ensured by integrating the 3 E's into any traffic safety strategy: engineering, education, and enforcement.

For many years (before the advent of PRL in Los Angeles), LADOT has been proactively and consistently employing a variety of engineering countermeasures that reduce red light collisions at intersections, which meet or in most cases exceed State standards:

Causal Factors

LADOT Engineering Countermeasures

Speeding

- 7-year updates of speed limits/speed zone studies to support laser/radar enforcement
- Speed feedback signs (62 installed, and 90 pending construction)
- Rest-in-red signal operation at selected locations

Left Turn Yielding

- Left-turn arrows (installed 550 left turn arrows during the last 5.75 years)
- New left turn pockets with resurfacing projects

Yield to Pedestrian

- Pedestrian countdown signals at all signalized locations by July 2011

Inattention

- Traffic signal features with high visibility, conspicuity, and redundancy (overhead/mast arm heads, supplemental heads, LED lens, large 12" heads, back-plates, shielding for signal heads to reduce confusion, etc.)

**RECOMMENDATIONS**

It is requested that the Board approve the aforementioned "Recommended Actions."

If you have any questions regarding this matter, please contact Captain Thomas J. McDonald, Commanding Officer, Emergency Operations Division, at (213) 486-0680.

Respectfully,

A handwritten signature in black ink, appearing to read "Charlie Beck". The signature is stylized with a large, rounded initial "C" and a long, sweeping tail that extends to the right.

**CHARLIE BECK**  
Chief of Police