

A setback for red-light camera foes

BY DAVID DEBOLT
Daily Post Staff Writer

A judge's decision throwing out a red-light ticket in a San Mateo case can't be used by other drivers as a precedent to get their tickets dismissed.

As the Post first reported Sept. 26,

San Mateo County Superior Court Judge Mark Forcum threw out the ticket issued to retired KGO photographer Al Bullock, on the grounds that the city's contract with the red-light camera operator violated state law.

But for that case to become a precedent that other drivers can use, it has to be "published" in law books. And a judge can decide whether or not to publish a decision.

Forcum's original decision in favor of Bullock wasn't published. In fact, it [See RED-LIGHT, page 43]

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was just one word: "Reversed."

Bullock's lawyer asked the judge to elaborate on the decision and publish it so that others could use the case to fight their tickets.

Such a move would have potentially cost the city of San Mateo millions.

On Tuesday, Forcum sent a letter to Bullock's lawyer saying he wouldn't publish the case or elaborate on it.

Bullock's lawyer, Frank Iwama, had praised Forcum for his earlier ruling but yesterday was frustrated with the judge's decision.

"I am deeply disturbed and saddened that, despite the judge's courageous action in interpreting the law, the judge has not taken the next step of modifying and certifying his opinion for publication," Iwama said in an e-mail to the Post.

Bullock received the red-light ticket for allegedly running the red at E. Hillsdale Boulevard and Saratoga Drive last year.

In court, Iwama argued that Redflex's contract with certain cities violated state law because it guarantees cities won't have to pay for their cameras if revenues from tickets aren't enough to cover the cost of the cameras.

But Traffic Commissioner Susan Greenberg originally denied Bullock's motion to dismiss the case based on the "cost-neutrality" clause. However, he appealed that decision to Forcum, who "reversed" Greenberg's ruling.

Iwama requested the publication of the decision on Sept. 28, hoping the rul-

ing could become official and therefore be used by motorists ticketed by red-light cameras in San Mateo, Redwood City and Menlo Park, where the "cost-neutrality" clause appears.

"The public's outrage and expression of tremendous concern about red-light camera issues reflects the community's disappointment in the current unresolved situation," Iwama wrote.

The clause is not found in Redflex's contracts with Belmont, Burlingame and San Carlos.

San Mateo City Attorney Shawn Mason said the city would consider removing the clause from its contract even if the decision was not published. Redwood City officials were looking into removing the clause too.

Fines generated by the three cameras in San Mateo bring in between \$50,000 and \$55,000 a month. A new camera in Redwood City issued 587 tickets in August, its first month of operation. With fines at \$435 a ticket, that could amount to \$255,345, if every motorist is found guilty and pays the fine.

Ken Schmier, chairman for the Community of the Rule of Law in Emeryville, filed a request for publication as well. Schmier is a stern opponent to the non-publishing of court decisions.

"The manner in which the court rules leaves the traffic court in a curious position," Schmier said yesterday. "It knows it's been reversed but by the court rule it is prevented from knowing about the decision."