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Filed
6-8

5 *Attorney for Defendants*

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **COUNTY OF ORANGE, WEST JUSTICE CENTER**

9 PEOPLE OF THE STATE OF CALIFORNIA,

10 *Plaintiff,*

11 vs.

12 VARIOUS DEFENDANTS – SEE ATTACHED

13 *Defendants.*

) Case Nos.: VARIOUS CASES – SEE
) ATTACHED

) MOTION TO DISMISS FOR
) INADEQUATE YELLOW LIGHT
) CHANGE INTERVALS PER V.C.
) 21455.7

) Date: June 10th, 2016

) Time: 8:30 a.m.

) Dept: W7

16 TO THE ABOVE TITLED COURT AND THE LOS ALAMITOS CITY ATTORNEY
17 PLEASE TAKE NOTICE that on June 10th, 2016, at 8:30 a.m. in Department W7
18 of the above-entitled court, counsel for listed defendants, attached as Exhibit A, will move
19 the court for an order dismissing the complaints for each defendant based on inadequate
20 yellow light change intervals.
21

22 **STATEMENT OF FACTS**

23 Each of the above defendants has been charged with a violation of CA Vehicle
24 Code § 21453(a), running a red light, captured by an automated photo enforcement system.
25 All of these defendants were cited at the intersection of westbound Katella Ave at
26 Bloomfield. The length of the yellow light at that intersection is currently set at
27 approximately 4.02 seconds.
28

1 The Engineering and Traffic Survey for Katella Avenue, Bloomfield to Lexington
2 Drive, measures the speed for both westbound and eastbound and indicates that the 85th
3 percentile of vehicles travel at 39.9 mph. (See attached Radar Speed Survey Field Sheet of
4 11/15/13.) However, when counting only the speed for westbound traffic, the 85th
5 percentile is 41 mph. Currently, the city of Los Alamitos relies on counting the speed of
6 traffic from both directions to determine the 85th percentile to justify setting the yellow
7 light duration. This is incorrect.

8
9 **POINTS AND AUTHORITIES**

10 California Vehicle Code § 21455.7 requires that at an intersection utilizing an
11 automated enforcement system, "the minimum yellow light change intervals relating to
12 designated approach speeds provided in the California Manual on Uniform Traffic Control
13 Devices are mandatory minimum yellow light intervals." The California Manual on
14 Uniform Traffic Control Devices (hereinafter "MUTCD") sets forth the calculation to
15 establish the minimum yellow light interval. (Cal. MUTCD Chapter 4D.) The minimum
16 yellow change interval for through traffic movement is determined by using the 85th
17 percentile speed of free-flow traffic rounded up to the next 5 mph increment. (see attached
18 Cal. MUTCD section 4D.26, p. 882.) Table 4D-102(CA) sets forth the mandatory
19 minimum yellow light intervals. For an 85th percentile of 40 mph, the minimum yellow
20 light interval is 3.9 seconds. For an 85th percentile of 45 mph, the minimum yellow light
21 interval is 4.3 seconds. (Cal. MUTCD Table 4D-102(CA)).

22 "Approach" is defined in the California MUTCD as "all lanes of traffic moving
23 toward an intersection or a midblock location from **one direction**, including any adjacent
24 parking lanes." (Cal. MUTCD section 1A.13.03.11 pg 68, emphasis added.)

25 As the Vehicle Code grants authority to the California MUTCD to provide
26 mandatory setting of yellow light intervals, it is proper to use the MUTCD's definition of
27 "approach" in determining the proper length of the yellow light interval. Therefore, read
28

1 together with the MUTCD's definition of "approach," California Vehicle Code section
2 21455.7 (b) states: "the minimum yellow light change intervals relating to designated ...
3 speeds [of] [lanes of traffic moving toward an intersection ... from one direction...]
4 provided in the California Manual on Uniform Traffic Control Devices are **mandatory**
5 **minimum yellow light intervals.**" (emphasis added).

6 The use of only one direction of travel of the proper speed limit is not only
7 mandatory under the Vehicle Code and the Manual for Uniform Traffic Control Devices,
8 but it is also logical. The purpose of the yellow light change interval is to "warn traffic
9 approaching a traffic signal that the related green movement is ending or that a steady red
10 indication will be exhibited ... and traffic will be required to stop when the red signal is
11 exhibited." (Cal. MUTCD 4D.26.14a). Therefore, it is only necessary to consider the speed
12 of motorists traveling towards the traffic signal, as that traffic signal warns the motorist of
13 whether they can safely continue through the intersection.

14 The City contends that it is appropriate to use the 85th percentile of speed for both
15 directions of traffic to determine the approach speed. This is not an accurate interpretation
16 of VC § 21455.7, as it is clear that only one direction of travel shall be considered to
17 determine the 85th percentile of speed. Nor is the speed of vehicles traveling in the opposite
18 direction an appropriate consideration in the determination of the yellow light interval. The
19 speed of vehicles traveling in one direction does not have bearing of the speed of vehicles
20 in the other. Only the speed of vehicles approaching the intersection is relevant to the
21 setting of the minimum yellow light interval, especially when the 85th percentile of speed
22 is different in opposing directions of travel. Therefore, the mandatory provision of the
23 California MUTCD is also logical, as it considers the necessary data to ensure motorists
24 have proper time to stop their vehicles when approaching a yellow light.

25 This interpretation of the term "approach speed" is in line with the other uses of
26 "approach speed" throughout the California MUTCD. For example, for Advisory Exit
27 Speed signs, the MUTCD states the signs, "should be placed on the right of the freeway to
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1 freeway connector ramps just beyond the neutral area (gore) where the ramps cannot be
2 comfortably negotiated by motorists at *approach speeds*.” (emphasis added) (Cal. MUTCD
3 2C.14.11). Vehicles exit freeways in only one direction of travel, indicating “approach
4 speeds” means the speed of vehicles exiting the freeway only in that direction of travel.

5 Significantly, if “approach speed” were to include the speeds of two directions of
6 travel, the California MUTCD would explicitly state that fact. In the guidance section
7 discussing crosswalk markings near schools, the MUTCD states that “vehicular **approach**
8 **speeds from both directions**” (emphasis added) is a factor that may be considered in
9 determining whether a marked crosswalk should be used. (Cal. MUTCD 3B.18.22).

10 Therefore, if the California MUTCD deemed it necessary to utilize the 85th percentile of
11 speed from both directions of traffic in determining the minimum yellow light interval,
12 then the MUTCD would have used such explicit language in section 4D.26.

13 This interpretation, while clear from the plain reading of the California Manual of
14 Uniform Traffic Control Devices, is also supported by the use of “approach speed” in other
15 traffic manuals.

16 The Institute of Transportation Engineers’ “Traffic Control Devices Handbook,”
17 which is cited by the California MUTCD as a supporting manual for standard engineering
18 practices (see generally Cal. MUTCD 4D.26.07), does not define “approach speed”
19 directly. However, it uses the term in defining how the yellow change interval is
20 calculated. It states, “The duration of the yellow change interval provides enough yellow
21 time for a vehicle to travel, starting with an approach initial speed, over the distance it
22 would take to stop at a comfortable average deceleration before entering the intersection.
23 Based on this, the yellow change interval for a given speed is determined by driver
24 perception-reaction time (PRT), **approach speed**, and vehicle deceleration rates.”
25 (emphasis added) (Traffic Control Devices Handbook pg 475). This language lends itself
26 to a reasonable interpretation that the yellow light interval is based on only the direction of
27 traffic that is approaching the traffic signal, because the drivers’ approach speed affects
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1 their perception-reaction time. The speed of traffic traveling in the opposite direction has
2 no bearing on the drivers' perception-reaction time and their ability to safely stop for a red
3 light.

4 ARGUMENT

5 The California Legislature mandates that speed limits be reasonably set. Speed
6 limits are normally set as near as practical to the 85th percentile. Speed limits below the
7 85th percentile do not ordinarily facilitate the orderly movement of traffic and require
8 constant enforcement to maintain compliance. (Cal. MUTCD Section 2B.13 p.137-8.) The
9 majority of drivers comply with the basic speed law, and the basis of the 85th percentile
10 conforms to the consensus of those who drive highways as to what speed is reasonable and
11 prudent. (*Id.* at 138.)

12 The MUTCD expands upon this reasoning for setting proper speed limits by
13 requiring that yellow light times, and thus the reaction time given to warn drivers of a
14 changing light, is to err on the side of allowing more time. If a speed survey has not been
15 performed on a road, the minimum yellow light interval is even longer (4.4 seconds for a
16 40 mph limit and 4.8 seconds for a 45 mph limit). (see attached MUTCD Table 4D-102.)

17 Here, the speed survey for Katella and Bloomfield plainly shows the 85th percentile
18 of westbound traffic, the traffic approaching the red light camera, is 41 mph. Using both
19 directions of travel to conclude that the 85th percentile is 40 mph is an incorrect
20 interpretation of the Vehicle Code. The MUTCD defines "approach" as traffic coming
21 from a single direction. While it may make sense to use both directions of travel to
22 determine the overall 85th percentile of speed for setting speed limits, that logic does not
23 apply when determining the appropriate length of time a motorist going in a given
24 direction will need to stop safely.

25 Because the proper 85th percentile is 41 mph, the basis for the yellow light interval
26 should be rounded up to 45 mph. At that speed, the minimum yellow light time should be
27 4.3 seconds. The actual time the lights are set at, approximately 4.02 seconds, is
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1 significantly shorter, and thus the defendants in these cases were not given adequate
2 warning to stop based on the natural flow of traffic.

3
4 CONCLUSION

5 The yellow light interval for the red light camera at the intersection of Katella Ave
6 at Bloomfield is insufficient under Vehicle Code § 21455.7. Based on the raw data in the
7 survey, the minimum yellow light interval should be 4.3 seconds long. This increased
8 interval is necessary to comply with the Vehicle Code, as well as to protect drivers so that
9 they have adequate time to respond to the changing light. The cases of the defendants
10 named on this motion, as well as any other ticket issued at this intersection should be
11 dismissed.

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14 Date:

6/8/16

Respectfully submitted,

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17 Scott R. Ball.

18 *Attorney for Defendants*
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EXHIBIT A:
LISTED DEFENDANTS

EXHIBIT A – CASE NUMBERS AND DEFENDANT NAMES FOR MOTION TO DISMISS FOR INADEQUATE YELLOW LIGHT CHANGE INTERVALS PER V.C.21455.7

TRIAL DATE JUNE 10, 2016

CASE NUMBER	DEFENDANT NAME
LA046249PE	[REDACTED], JONATHAN
LA046299PE	[REDACTED], JARED
LA045864PEA	[REDACTED], STEPHANIE
LA046208PE	[REDACTED], PIERRE
LA046455PE	[REDACTED], JARROD
LA046246PE	[REDACTED], MARK
LA046501PE	[REDACTED], LUIS
LA046696PE	[REDACTED], DAVID
LA046124PE	[REDACTED], GARRY
LA046665PEA	[REDACTED], GEOFF
LA047279PE	[REDACTED], EMILIA
LA046850PE	[REDACTED], LANCE
LA046835PE	[REDACTED], JESSIE
LA046627PE	[REDACTED], I
LA040231PE	[REDACTED], BRANDON
LA045763PE	[REDACTED], NICOLAS
LA045842PE	[REDACTED], MARGARET
LA046484PEA	[REDACTED], DENELLE
LA047028PE	[REDACTED], JEFFREY
LA046807PE	[REDACTED], GARY
LA047082PE	[REDACTED], JAMES
LA046737PE	[REDACTED], CHASE
LA044977PE	[REDACTED], JOSEPH