

CITY OF SAN BERNARDINO – REQUEST FOR COUNCIL ACTION
STAFF REPORT

Subject:

Red Light Camera Program Options and Resolution

Background:

The installation and operation of automated enforcement systems, also known as red light camera systems, are primarily governed by *California Vehicle Code, Section 21455.5*. The *California Vehicle Code* does not mandate criteria for the selection of red light camera locations, but does require the governmental agency to establish guidelines for selection of locations. The section also establishes other criteria related to signage, warning period, public notification, maintaining records and contracting-out requirements.

In May 2005, after a public hearing, the Mayor and Common Council approved a red light camera project by adopting Resolution 2005-107. The original locations selected for the commencement of the red light camera project were the intersections of Hospitality Avenue and Waterman Avenue; 40th Street and Waterman Avenue; 30th Street and Waterman Avenue; and Highland Avenue and Arden Avenue. The original goals of the project were to improve traffic safety by reducing red light violations, and to manage the project without placing any undue financial risk on the City. The original agreement was entered into with Nestor Traffic Systems, acquired out of bankruptcy by American Traffic Solutions (ATS) in September 2010.

In March 2008, the Mayor and Common Council approved a recommendation to expand the red light camera program by adopting Resolution 2008-135. The staff report for that item identified the following program goals:

“The goal of this program is to improve our traffic safety program to reduce the number of traffic accidents caused by red light violations. We do this by following the Federal Highway Administration’s (FHA) suggestions to train against aggressive driving habits and inattention by using red light camera systems as a force multiplier to enforce red light laws.”

This Resolution provided the following clearly defined selection criteria for the placement of red light cameras:

- Reducing collisions through training against aggressive driving and behind-the-wheel inattention.
- Evaluating the average daily traffic count at a given location

- Number of accidents, injuries and fatalities caused by red light violations during the analysis period.
- A one-day survey of the number and type of red light violations, conducted by Nestor Traffic Systems Inc.
- The intersection's ability to expose a large number of motorists to this traffic-safety tool.

The data establishes that the selection of specific intersections was not based solely on the total number of traffic collisions at that intersection during the reporting period, nor was it based on the number of injury traffic collisions during the reporting period. The location selections were based on the totality of the criteria established by the Mayor and Common Council in Resolution 2008-135.

In 2009, the Mayor and Common Council approved an amendment to the agreement with Nestor Traffic Systems which removed a cost-neutral clause in the lease and services agreement due to legal issues involving a court decision in Orange County.

In January 2011, the Police Department proposed to the Mayor and Common Council that the red light camera project agreement be transferred from Nestor Traffic Systems to American Traffic Systems. Additionally, a number of changes in the locations of the systems were recommended. The selection of these proposed intersections was based on the criteria previously established by the Mayor and Common Council. Further, as part of a new agreement, ATS would upgrade the equipment for the red light camera program at all current intersections to improve the quality of the photographs received for each violation. However, after discussing the item, the Mayor and Common Council directed the City Manager to present a set of options and the financial impacts for ending the Red Light Camera Program.

RED LIGHT CAMERA SYSTEM LOCATIONS AND TERMS

The current red light camera project is governed by the contract and amendments with Nestor Traffic Systems. The selection criteria that were utilized to determine the current intersections and those proposed in the 2011 recommendations are consistent with the Federal Highway Administration's operational guidelines for red light camera systems established in January 2005 and the requirements of the *California Vehicle Code*. Of the current intersections with red light cameras, one of the original locations has already reached the end of its term, with the balance of the intersections having operational periods that expire on different dates between 2011 and 2014 as detailed below:

Waterman and Hospitality:	Warnings:	07/01/2005
	Enforce:	08/01/2005
	Term:	08/01/2010

40 th and Waterman:	Warnings:	10/01/2006
	Enforce:	11/01/2006
	Term:	11/01/2011
Highland and Arden:	Warnings:	10/01/2006
	Enforce:	11/01/2006
	Term:	11/01/2011
30 th and Waterman:	Warnings:	12/20/2007
	Enforce:	01/20/2008
	Term:	01/20/2013
Mt Vernon and 9 th :	Warnings:	08/25/2008
	Enforce:	09/25/2008
	Term:	09/25/2013
University and Kendall:	Warnings:	11/22/2008
	Enforce:	12/22/2008
	Closed:	03/01/2010
	Term:	12/22/2013
Highland and Waterman:	Warnings:	06/15/2009
	Enforce:	07/15/2009
	Term:	07/15/2014

EARLY TERMINATION AND PAYMENT

The provisions of the agreement allow the early termination of the contract with proper notice and each of the locations has a required payment of costs. The payout estimates for early termination have been computed by the City Attorney's Office after a comprehensive analysis of the contract. However, as the program has been in effect and operating during the negotiations concerning the change in ownership and the potential changes in the locations of the red light systems, it is necessary to adopt a resolution to authorize the issuance of a purchase order in order to process the payments due to the vendor for the services provided during the year.

OPTIONS FOR ENDING THE RED LIGHT CAMERA PROGRAM

The following provides the options identified for the Mayor and Common Council to discuss in order to determine the direction for ending the program:

Option A: Terminate the Red Light Camera Program (Staff Recommendation)

Action: Conclude the red light camera program effective June 1, 2011 and pay any costs associated with early termination.

Financial Impact: Between \$104,325 and \$110,175 for ending the contract

Option B: Phase Out the Red Light Camera Program

Action: Continue to operate the red light camera program in conjunction with the original agreement, phasing out each intersection as the term expires. The final term ends July 15, 2014.

Financial Impact: Over the three year term of phasing out the existing locations, the total cost will be approximately \$780,000.

Recommendation:

1. Discuss the options and take possible action regarding the disposition of the agreement for the Red Light Camera Program.
2. Adopt Resolution

Attachments

1. Resolution
2. January 2011 Staff Report
3. Resolution 2005-107
4. Resolution 2008-135
5. Resolution 2009-007

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RESOLUTION NO. 2011-65

RESOLUTION OF THE CITY OF SAN BERNARDINO AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE A PURCHASE ORDER TO AMERICAN TRAFFIC SYSTEMS (ATS) OF PHOENIX, ARIZONA, FOR SERVICES RENDERED BEGINNING FY 2010/11.

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. American Traffic Systems (ATS), of Phoenix, Arizona, acquired the City's existing Red Light Camera Enforcement System that was previously owned by Nestor Traffic Systems (NTS) and assumed the contract the City entered into with NTS. The existing Red Light Camera Enforcement System is leased to the City of San Bernardino. The system is operated by the San Bernardino Police Department.

SECTION 2. That the Mayor and Common Council authorize and direct the Director of Finance, or her designee, to issue a purchase order to American Traffic Systems (ATS) for services rendered beginning FY 2010/11 and continuing throughout the term of the contract approved by Resolution No. 2005-107 or until termination of said contract.

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RESOLUTION OF THE CITY OF SAN BERNARDINO AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE A PURCHASE ORDER TO AMERICAN TRAFFIC SYSTEMS (ATS) OF PHOENIX, ARIXONA, FOR SERVICES RENDERED BEGINNING FY 2010/11.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and Common Council of the City of San Bernardino at a joint regular meeting thereof, held on the 7th day of March, 2011, by the following vote, to wit:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
MARQUEZ	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
VACANT	<u> </u>	<u> </u>	<u> </u>	<u> </u>
BRINKER	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
SHORETT	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
KELLEY	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
JOHNSON	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
MCCAMMACK	<u> </u>	<u> </u>	<u> X </u>	<u> </u>

Rachel G. Clark
Rachel G. Clark, City Clerk

The foregoing resolution is hereby approved this 9th day of March, 2011.

Tobin Brinker
Tobin Brinker, Mayor Pro Tem
City of San Bernardino

Approved as to Form:
James F. Penman
JAMES F. PENMAN,
City Attorney

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*minutes 3-7-11
council meeting*

Council Member/Commissioner Shorett made a motion, seconded by Council Member/Commissioner Marquez, that the Community Development Department Public Counter improvement program be approved and that the City Manager be directed to implement the program; and

That the following actions be referred to the Personnel Committee for review: a) delete one Senior Administrative Assistant position; b) reclassify two Customer Service Representative positions to Development Services Technicians; and c) transfer funding and positions from the Fire Department to Community Development for two Code Enforcement Officer II positions and authorize two part-time positions; and

That the Finance Director be authorized to amend the FY 2010/11 budget to reflect current year changes beginning April 1, 2011 and incorporate the changes into the FY 2011/12 budget proposal as listed in the staff report from the Director of Community Development dated March 1, 2011. The motion carried unanimously.

31. **Red Light Camera Program options and resolution**

RES. 2011-65 - Resolution of the City of San Bernardino authorizing the Director of Finance to issue a purchase order to American Traffic Systems (ATS) of Phoenix, Arizona, for services rendered beginning FY 2010/11.

Council Member/Commissioner Kelley made a motion, seconded by Council Member/Commissioner Marquez, to approve Option A: Terminate the Red Light Camera Program effective June 1, 2011, and pay any costs associated with early termination; and that said resolution be adopted. The motion carried and Resolution No. 2011-65 was adopted with McCammack abstaining.

COMMUNITY DEVELOPMENT COMMISSION

Present: Mayor Pro Tem Brinker; Council Members/Commissioners Marquez, Shorett, Kelley, Johnson, McCammack; Senior Assistant City Attorney Easland; Economic Development Agency Interim Executive Director Marzullo and Agency Counsel Sabo; City Clerk Clark.

Vacant: Second Ward.