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Red light tickets thrown out in San Mateo: City to reimburse 948 tickets issued over 45 days because cameras, signals in violation of new state laws

November 11, 2015, 05:00 AM By [Samantha Weigel](#) Daily Journal

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Nearly 1,000 drivers who received a ticket for running a red light in San Mateo will be given a free pass after two of the city's red light camera and traffic signals were found to be in violation of new state laws.

The police department will toss out 948 tickets issued between Aug. 1 and Oct. 15 after a San Mateo County Superior Court judge sided with a Burlingame man who received a ticket and sparked an NBC Bay Area investigation.

Carrying a hefty \$540 fine, the city will dismiss \$511,920 worth of tickets after staff failed to increase the yellow light times per new regulations in the California Manual on Uniform Traffic Control Devices.

The city maintains three cameras, two along Hillsdale Boulevard and one at the corner of Fourth Avenue and Humboldt Street, which police say were set to provide a yellow light time of 3.4 seconds — .2 seconds above the state's previous minimum but lower than the new 3.7 requirement.

An investigation sparked by Andre Clemente, who decided to fight against a ticket he received in January for rolling through the intersection at Hillsdale Boulevard and Saratoga Drive, ultimately resulted in the city admitting it failed to update its system.

"Even though we coordinate with public works to routinely update the system and calibrate them, somehow it was missed," said police Sgt. Rick Decker. "Because we care about the integrity of the program, we made a decision to refund all those tickets."

San Mateo police argue Clemente's ticket was issued prior to the new law and their records indicate the cameras were in compliance at the time.

However, the department does acknowledge two of the city's three lights were not updated nor was a traffic study conducted that would have allowed them to calibrate the system based on the average speed of 85 percent of drivers at the intersections.

Clemente, with the help of NBC's Investigative team and Los Angeles resident Jay Beeber, who advocated for the new law, claim a video of the Burlingame man's ticket shows the yellow lights were set to just 3.066 seconds, below the former 3.2-second minimum.

Ultimately, a judge dismissed Clemente's ticket but didn't provide a definitive answer as to why, according to the NBC report.

Chastised for failing to investigate the rationale behind the dismissed ticket, San Mateo police said they would work to follow up on any future legal snafus.

"Going forward, what we'd like to do is have at least some notification from the courts if a red light citation was dismissed and why it was dismissed. It just goes back to preserving the integrity of the program, but that also depends on whether the judge explains [their] decision," Decker said.

San Mateo is not the first to be caught running a flawed red light program. South San Francisco had to reimburse nearly 3,000 tickets in 2010 because of an administrative error before the city opted to do away with the cameras last year. San Carlos, Burlingame, Belmont and Redwood City also nixed their red light camera programs for various reasons between 2010 and 2013.

Beeber said he was pleased San Mateo police chose to rectify the faulty tickets, however, there's more to be considered.

"The problem is that instead of looking at what do we really need to do to make the intersection safe, it's the rush to ticket people," Beeber said. "You can improve safety by doing proper engineering as opposed to ticketing thousands and thousands of people. If you set the yellow light timing properly, you have fewer red light violations," Beeber said.

Prior to installing the cameras in 2005, few accidents were recorded at the San Mateo intersections and most of the tickets issued by the cameras are to drivers turning right at a red light — as was the case with Clemente, Beeber said.

Beeber said the \$540 tickets are often out of proportion with the majority of the right-turn violations, which are akin to driving a mile or two over the speed limit, and can quickly snowball into disastrous impacts on those who may already be struggling to make ends meet.

"It's a huge burden and it's a social justice issue," Beeber said noting those who don't pay the fines risk losing their license and means to get to work. "They lose their ability to make an income all because they slowly crossed a red light."

Yet San Mateo police insist the cameras, now in their 10th year, are strategically set up to protect the public and ensure compliance with the law.

"The biggest thing for us is this is first and foremost a safety program, not a revenue generating program; we get around 30 percent of [the fines]. It was more important for the integrity of the program to be preserved. We had that error, so that's why we made the decision to refund those tickets," Decker said.

Police Lt. Dave Norris and Decker emphasized Clemente's red light violation occurred while the camera's were in compliance with state law.

Decker said tests done before and after Clemente's Jan. 13 ticket showed the yellow lights were not only in compliance with the state's 3.2 second law, they offered 3.4 seconds before switching from green to red.

Once aware of the problem, the city immediately shut down enforcement for two days to audit and correct the light timing,

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reversed the 948 citations and put measures in place to ensure the problem wouldn't be repeated, Norris said.

"We at the city of San Mateo don't define ourselves by the problems we encounter," Norris wrote in an email. "We define ourselves by what we do when encountering problems."

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**Jon Nadelberg**

Good!!!!

Dangerous pieces of junk should be removed! They are absolutely nothing but a money grab by San Mateo and the people instituting them should be flat out ashamed of themselves.

I think the SMPD does a great job and is filled with some very decent people, but this program is disgraceful.

Like · Reply · 3 · Nov 11, 2015 10:10am · Edited

**Tom Elliott** · San Francisco, California

Whatever ones viewpoint is regarding redlight tickets, they certainly do nothing to deter the alledged violators. After 10 years in place, 948 drivers still failed to come to a complete stop while turning-right-on-red in only two and one-half months of time. It seems as if the revenue is more valuable than any safety factor.

Like · Reply · 2 · Nov 11, 2015 11:13am

**Justin Michaels** · Works at AT&T Park Giants Baseball Stadium

Lieutenant Dave Norris and Sgt. Rick Decker both from the SM PD handled themselves tremendously. Dave on TV and Rick in this article. Gary Heap from Public works on the TV side seemed less prepared then Dave Norris. Either way, like Dave Norris said, it is HOW they fix it, now, that really matters.

Like · Reply · Nov 11, 2015 12:48pm

**Deng Liu** · University of Wisconsin-Madison

Will the red light ticket on the Rollins Rd, Millbrae be dismissed as well?

Like · Reply · Nov 11, 2015 2:38pm · Edited

**Jon Nadelberg**

That would be a different city, so no.

Like · Reply · Nov 11, 2015 9:07pm

**Allene Ball** · Middlebury, Vermont

I fought a ticket at Humboldt and 4th Avenue...There was a retired S.M. cop in the courtroom assigned to tell everybody to just pay the fine..I said I was going to court..The judge found it an Orange county 3 Judge Appellate Court deemed the red light tickets illegal...I timed the light. too.with my swim team stopwatch...The yellow was very fast. I read Caltrans was going to make it faster..giving less time to get through the light. .This revenue needs to be deemed illegal and thrown out. Arizona is the company that runs the lights. Get rid of them San Mateo. I also went to the City Council... See More

Like · Reply · Nov 11, 2015 9:43pm

**Tom Swenson** · Owner/Founder/CEO/BottleWasher at A Dog and His Boy

> Police Lt. Dave Norris and Decker

Who are probably paid about \$150K/year. What is their personal penalty for financially ruining people?

Like · Reply · Nov 12, 2015 9:23am

**Ellen Gellman**

I am still unclear why this fine is \$540 that is more than many can afford and way more than other offenses

Like · Reply · Nov 12, 2015 7:32pm

**Jennifer Sullins** · Works at Nordstrom

What if you got a ticket last year? How can we see if it was in compliance then?

Like · Reply · Nov 15, 2015 11:00pm

**Russ Bruno** · UC Berkeley

The "fine" for running a red light is \$100. Sgt. Decker says San Mateo gets "around 30% of the fine." That would be around \$30.00. All of the rest of the \$540 would go to other governmental agencies as penalties and fees.

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**Holly Drouillard**

So freaking awesome!

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