

## **RED LIGHT CAMERAS**

*by Jim Hansen, Lubbock Justice of the Peace*

Across Texas, city council chambers are abuzz with talk about red light cameras. Red light cameras snap a picture of the license plate of a vehicle driving through a red light. A citation is mailed to the owner of the vehicle. The citation is civil in nature and in most cities the ticket carries a \$70 penalty. Repeat offenders pay higher fines.

The cameras are seen as an easy way to generate big bucks in the name of public safety. Already, about twenty cities have red light camera systems in operation. Another 100 or so cities, including mine (Lubbock), are either in various stages of going operational or conducting a feasibility studies.

It sounds simple, but it is not. The red light camera issue is polarizing communities across America. USA TODAY reports “furious resistance” by individuals across the country who feel the program is unconstitutional, and the beginning of a “surveillance state”.

### **THE FACTS**

According to a Focus Report authorized by the Texas House of Representatives, New York City was the first to use the cameras in 1993. Today, twelve states have legalized red light camera systems (RLCS), and nine other states, including Texas, have several cities using the program because there is no specific law banning them.

The issue has produced a number of court challenges. The red light camera program has been upheld as constitutional in State courts in Colorado, Oregon, North Carolina, Iowa and California, as well as the U.S. 9th Circuit Court of Appeals and the Superior Court in Washington, D.C. The sheer number of legal challenges should get the attention of States and cities, but interest if the program continues to explode across America as cities desperately look for more operating capital.

Judith Stone, president of the Advocates for Highway and Auto Safety says nationwide, red light runners cause an estimated 260,000 crashes every year, with more than 750 of them fatal.

There are about 110 cities using the red light camera system in the United States, and hundreds more on the way.

### **THE “CIVIL” VS. THE “CRIMINAL” RED LIGHT TICKET**

Justices of the Peace might have a difficult time accepting two decidedly different types of red light violations. The penalties and procedures for a civil red light ticket are far more lenient than the penalties for the current criminal red light ticket.

Criminal law is guided by the 6<sup>th</sup> amendment. When you get a red light ticket from a police officer, you have the right to confront your accuser in court and the right to a trial by jury. The officer has the discretion whether to write you a ticket in the first place based on the circumstances at the time. The State of Texas is required to prove the case against you beyond a reasonable doubt.

If convicted in a criminal court, you face a fine of \$1-200, and a conviction will affect your “points” and, most likely, your insurance.

A red light camera ticket is a civil matter with a current standard fine of about \$70. No insurance or points problems, but little due process. You are just flat out guilty. If there is a clear picture of the license plate, the Texas House Focus Report says the owner of the car gets the ticket and is presumed guilty whether they were driving or not. There is no right to a jury trial.

A cited motorist may appear before an administrator and challenge a citation if they were not driving, and a new citation will be mailed to the actual driver. But if that person ignores the mailings or refuses to pay the fine, the person to whom the vehicle is registered will be held responsible for the citation.

### **THE SAFETY ISSUE**

It is undisputed that Texas is one of the worst States for red light accidents, and many advocate the cameras as a public safety issue. It is true that accidents involving red light runners are particularly devastating, because they almost always involve a head-on or T-bone collision, and at least one party is usually driving at a high rate of speed.

Do red light cameras make a difference? It depends on who you talk to, or which study you review.

The Fort Worth Star Telegram reports officials in Arlington and Garland saw a significant decrease in accidents, particularly in the first several months after the cameras were installed. Garland, the first city in Texas to adopt the program in September of 2003, has also generated more than three million dollars in civil citations from the cameras. Those who advocate use of the cameras feel “the more enforcement the better” when it comes to those who run red lights, and they repeat that statement all the way to the bank. Chicago has collected more than 90 million dollars in fines from red light cameras.

The Texas House Focus Report states, “Red light cameras bring the potential of increased safety and revenue, but also raises issues about privacy and a surveillance state, as well as unfairness due to the involvement of for-profit agencies in the process”.

USA Today cites a Federal Highway Administration study last year as stating the red light cameras reduced front and side crashes by 25%, but rear-end crashes were found to have increased by 15%.

An October, 2003 study by the Urban Transit Institute at North Carolina A&T also concluded that red light cameras did not reduce crashes and led to increases in rear-end and other types of crashes. The authors of that study concluded “the evidence reports to the installation of the cameras as a detriment to safety”.

In other States, such as Virginia, the cameras have been banned. A study by the Virginia Department of Transportation showed the number of injured related crashes at camera-controlled intersections actually increased. While red light related crashes increased, the number of rear-end collisions increased as drivers slammed on the brakes trying to avoid getting a red light ticket.

In 2002 Hawaii banned the program as unconstitutional because of privacy concerns, and because the program assumes the owner of the vehicle is driving at the time of the violation.

The issue has produced legal battles in Florida between pro and anti camera factions.

### **WHAT IS THE ANSWER?**

Are there other things we could do from a public safety standpoint before resorting to red light cameras? In Lubbock, recent improvements in signal systems and lane markings have reduced accidents at the most deadly intersections. In the late 1990's, the City of Lubbock ran a “Red For a Reason” media blitz to address the red light problem, and the program enjoyed significant success, earning national awards and honors.

A March, 2005 Texas Transportation Institute study of 181 Texas intersections found that increasing the yellow light time by one second reduced violations by 53 percent and crashes by forty percent.

The cities that have instituted the program have relied upon an interpretation of SB 1184 (78<sup>th</sup> legislature) in saying red light cameras are legal on state roadways.

In June, the Texas Attorney General's office issued opinions saying that the Department of Transportation may install cameras along state highways to enforce traffic laws, and that it may allow local authorities to install cameras for the same purpose. Still, cities currently running red light camera programs are doing so with an assumed risk. Inevitable legal and constitutional court challenges will continue, and public disharmony seems to follow in many communities who go with the camera program. If the program is eventually deemed illegal in court, or banned in Texas by the legislature, the money spent on equipment, staff, and litigation would represent a significant loss. You can bet cities operating red light programs, and the for-profit businesses behind them, will be lobbying furiously to get it approved. At the same time, there are a significant number of Texas legislators who are adamantly opposed to any legislation allowing the red light program.

Do red light cameras promote public safety? Maybe. Do they raise vast sums of money? Absolutely. Do legal challenges and public discord come to communities adopting the red light program? Yes.