



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

**Health, Public Safety & Intergovernmental
Committee**

December 16, 2010
2:00 P.M.
Commission Chamber

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Legislative Notes
Health, Public Safety & Intergovernmental Committee
Meeting Agenda**

December 16, 2010

Written analyses and notes for the below listed items are attached for your consideration:

Item Number

1G1

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 1(G)1
File Number: 102260
Committee(s) of Reference: Health, Public Safety and Intergovernmental
Date of Analysis: December 12, 2010
Type of Item: Ordinance
District: Unincorporated Areas
Sponsor: Commissioner Joe A. Martinez
Co-Sponsor: Commissioner Sally A. Heyman

Summary

This ordinance creates Section 30-422 of the Code of Miami-Dade County; and authorizes and regulates the use of Traffic Infraction Detectors in the Unincorporated Areas consistent with the Mark Wandall Traffic Safety Act, HB 325, approved by the Florida Legislature during the 2010 state legislative session.

The Mark Wandall Act authorizes the use of cameras for traffic enforcement in Florida and requires cameras to be tested regularly and to comply with specifications established by the Florida Department of Transportation. The Act was named after Mark Wandall, a man who was killed by a red-light runner in 2003.

Background Legislative History

- On August 23, 2005, the Board of County Commissioners (BCC), through Resolution 937-05, directed the County Manager to explore the feasibility, cost and benefit of installing cameras at certain dangerous intersections with traffic signals to curb red-light running.
- On November 6, 2007, the BCC through 1248-07, urged the Florida Legislature to allow the use of unmanned cameras at intersections with traffic signals in an effort to reduce red-light running.
- On July 8, 2010, the BCC, through Resolution 759-10, established policy for Miami-Dade County authorizing the installation of red light cameras at high crash, high volume intersections; and directed the Mayor or his designee to implement a red light camera program in Miami-Dade County. *This proposed ordinance would supersede Resolution 759-10.*
- On September 16, 2010, the Health, Public Safety and Intergovernmental Committee deferred a resolution directing the Mayor or designee to study the feasibility of negotiation with municipalities in Miami-Dade County to create a single, uniform countywide program for red light cameras with revenues generated in municipalities to be provided to such municipalities.

The Office of the Commission Auditor compiled research pertaining to jurisdictions nationwide that implemented automated enforcement laws.

Automated Enforcement laws by State (December 2010)

Automated enforcement refers to the use of technology to enforce traffic safety laws. Although many jurisdictions that use automated enforcement are in states that have laws authorizing its use, not all states where automated enforcement is in use have such laws, nor are they always necessary.

Most automated enforcement programs and laws are for red light violations; however, the use of automated enforcement for speed is increasing, and a few jurisdictions use automated enforcement for other violations such as failing to pay a toll and disobeying a railroad crossing signal. In states that have automated enforcement laws, the laws vary from state to state; some authorize enforcement statewide, whereas others permit use only in specified communities.

- Red light camera systems are triggered when a vehicle enters an intersection after the light has been red for a predetermined time. Automated speed enforcement systems are triggered when a vehicle exceeding the speed limit by a predetermined amount is observed. Moreover, the proportion of vehicles exceeding the speed limit by more than 10 mph declined 82 percent.
- A few jurisdictions treat automated enforcement citations just like parking tickets in that the registered owner is liable. Similarly, just as parking tickets do not result in points or are not recorded on a driver’s record, many jurisdictions do not assess points or make a record of automated enforcement citations. Automated enforcement laws associated with moving violations are summarized in the following table.

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/record
Alabama	Montgomery	red light	owner	owner	2 images; tag included	\$100 fine/3 points	\$110; no points
Arizona	statewide	red light	not addressed	not addressed	not addressed	\$250 fine/2 points	\$165; no points
	statewide	speed	not addressed	not addressed	not addressed	\$250 fine/2 points	\$165; no points
Arkansas	use of photo radar by county or state government prohibited except at school zones and railroad crossings; officer must be present and citation must be issued at time of offense						
California	statewide	red light	registered owner	driver	tag and driver	\$100 fine/1 point	same as for traditional citation
	statewide	rail crossing	registered owner	driver	tag and driver	\$100 fine/1 point	same as for traditional citation
Colorado	Colorado law grants the authority to use automated enforcement to capture any traffic violation						
	statewide	red light	registered owner ⁴	driver	tag and driver	\$110 fine (including	\$75; no points or record

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/record
						surcharge)/4 points	
	restricted to construction and school zones, residential areas, or adjacent to a municipal park	speed	registered owner	driver	tag and driver	\$151 (including surcharge)/4 points	\$40 maximum fine (\$80 in school zones); no points or record; warning only for first photo radar offense if speed within 10 mph of limit
Delaware	statewide	red light	registered owner	owner	2 or more images of the vehicle	\$75-\$230 fine	\$110 maximum fine; not a record or conviction offense; not to be used by insurers
District of Columbia	DC grants jurisdiction-wide authority to use automated enforcement to capture all moving infractions						
	entire jurisdiction	red light	registered owner	owner	not addressed	\$75 fine/2 points	\$75 fine; no points
	entire jurisdiction	speed	registered owner	owner	not addressed	\$75 fine/2 points	\$75 fine; no points
Florida	statewide	red light	registered owner	owner	tag and traffic control device	\$125 fine/3 points	\$158; no points
Georgia	statewide	red light	registered owner	owner	license tag, intersection, and light	\$1,000 maximum fine/3 points	\$70 maximum fine; not a conviction or record offense; no points; not a moving violation; not to be used by insurers
Illinois	Illinois has several different automated enforcement laws						
	Cook, DuPage, Kane, Lake, Madison, McHenry, St.	red light	registered owner	owner	2 or more images of vehicle and tag	\$500 maximum fine/20 points	\$100 or the completion of a traffic education program, or

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/record
	Clair, and Will counties; requires local ordinance						both; not a moving violation or record offense
	statewide only in construction zones or Illinois Toll Authority roads	speed	registered owner	driver	tag and driver	mandatory \$250 fine/20 points	\$250 fine or 25 hours community service
	any county or municipality may use automated enforcement in cooperation with the Illinois DOT and ICC; ordinance required	rail crossing	registered owner	driver (owner if driver not identified by owner)	vehicle, driver, and tag	\$250 maximum fine/20 points	\$250 fine or 25 hours community service
	local authorities are prohibited from using speed cameras; state may use speed cameras, but only when a law enforcement officer is present and witnesses the event	speed	not addressed	not addressed	not addressed	not addressed	not addressed
Louisiana	state law provides that convictions resulting from camera enforcement shall not be reported for inclusion in driver record; law is silent on other issues						
Maine	all photo enforcement prohibited						
Maryland	statewide	red light	registered owner	owner	2 or more images of rear of vehicle and tag in any medium	\$500 maximum fine/2 points	\$100 maximum civil penalty; no points or record; not a moving violation; may not be used by insurers
	Montgomery County school zones and residential	speed	registered owner	owner	2 or more images of rear of vehicle and	maximum fine \$500 in residential district,	\$40 maximum fine; no points

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/record
	districts, Prince George's County school zones (effective 06/01/10), statewide in school zones by local ordinance and work zones				tag in any medium	\$1,000 in school zone; points depend on speed	
	Montgomery and Prince George's County	rail crossing	registered owner	owner	vehicle, driver and tag	\$500 maximum fine/1 point	\$100 maximum fine; no points
Mississippi	all localities prohibited from using automated enforcement; all current programs prohibited effective 3/20/09						
Montana	all localities prohibited from using red light cameras; rail crossings excepted						
Nevada	prohibits use of imaging equipment unless it is hand held by an officer, installed in a vehicle or facility of a law enforcement agency; traditional enforcement penalties: \$1,000 maximum fine and 4 points						
New Hampshire	prohibited unless there is specific statutory authorization						
New Jersey	photo radar is prohibited						
	local jurisdictions must pass an ordinance and apply to Transportation Commissioner to participate in a pilot program	red light	registered owner	registered owner and driver are jointly liable	two or more images of vehicle and tag	\$85	penalty same as for traditional citation; no points
New Mexico	no state law specifically authorizing automated enforcement; NMDOT has banned red light cameras and mobile enforcement vans on state and federal roadways; state law requires counties and municipalities using camera enforcement to post a warning sign and a warning beacon						
New York	cities of at least 1 million people, up to 150 intersections in each city; Effective 5/28/09: counties of Nassau and Suffolk, the cities of Rochester and	red light	owner	owner	2 or more images of rear of vehicle and tag in any medium	\$100 maximum fine/3 points	\$50 fine; not a record or conviction offense; may not be used by insurers

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/record
	Buffalo, by local ordinance, up to 50 intersections; Yonkers, by local ordinance, up to 25 intersections						
North Carolina	where specified by statute (Albemarle, Charlotte, Chapel Hill, Cornelius, Durham, Fayetteville, Greensboro, Greenville, High Point, Huntersville, Lumberton, Matthews, Nags Head, Newton, Pineville, Rocky Mount, Spring Lake, and Wilmington)	red light	owner	owner	photo, video, electronic image	\$100 maximum fine/3 points	\$75 civil penalty; no points
Oregon	cities statewide	red light	registered owner or driver, if identifiable	registered owner	photographs; digital images	\$300 maximum fine	penalty same as for traditional citation
	Albany, Beaverton, Bend, Eugene, Gladstone, Medford, Milwaukie, Oregon City, Portland, and Tigard (may not be used for more than four hours per day in any one location)	speed	registered owner or driver, if identifiable	registered owner	photographs; digital images	\$300 maximum fine	penalty same as for traditional citation
Pennsylvania	Philadelphia	red light	registered owner ⁸	owner	photographs	\$25 fine/3 points	\$100 maximum; not on operating record

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/record
Rhode Island	statewide	red light	registered owner	driver	2 or more images of vehicle and tag in any medium	\$75 fine	\$75 fine; not a criminal or record offense; not a moving violation; not to be used by insurers until there is a final adjudication of the violation
	statewide	school bus safety violations	registered owner	registered owner	2 or more images of vehicle and tag in any medium	\$500 fine	\$500 fine; not a criminal or record offense; not a moving violation; not to be used by insurers
South Carolina	photo enforcement prohibited with narrow exception; citations for violating traffic laws relating to speed or disregarding traffic control devices may only be used when the State declares an emergency and citations must be served in person within one hour of the violation						
Tennessee	statewide except for interstate highways that are not work zones	traffic violation	registered owner	registered owner	not addressed	\$50 fine/points	not reportable; no points may be assessed
Texas	a Texas municipality may not use an automated traffic control system to enforce speed						
	statewide; requires local ordinance	red light	registered owner	owner	2 or more photographic or digital images of tag	\$200 maximum fine	\$75; not a criminal or record offense
Utah	statewide only school zones or where limit is 30 mph or less; officer must be present; requires local ordinance	speed	not addressed	not addressed	photograph	\$1,000 maximum fine/50 points	not reportable; no points may be assessed
Virginia	counties, cities, and towns may operate cameras at no more than 1 intersection for	red light	registered owner	driver	2 photographs or other recorded images	\$200 maximum fine/4 points	\$50 maximum fine; no court costs; not a criminal offense; no points; may

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/record
	every 10,000 residents; requires local ordinance; the exception is the Washington, DC metropolitan area, it permits up to 10 camera sites or 1 site per 10,000 residents, whichever is greater						not be used by insurers
Washington	cities and counties statewide where two arterial roads intersect	red light	registered owner	registered owner	vehicle, license tag	\$250 maximum fine	fine up to the maximum for parking violations in the jurisdiction; no record; no points
	school zone	speed	registered owner	registered owner	vehicle, license tag	\$250 maximum fine	fine up to the maximum for parking violations in the jurisdiction; no record; no points
	cities and counties statewide	rail crossing	registered owner	registered owner	vehicle, license tag	\$250 maximum fine	fine up to the maximum for parking violations in the jurisdiction; no record; no points
West Virginia	all photo enforcement prohibited						
Wisconsin	photo radar is prohibited						
The states below do not have state law specifically authorizing automated enforcement:							
Alaska; Connecticut; Hawaii; Idaho; Indiana; Iowa; Kansas; Kentucky; Massachusetts; Michigan; Minnesota; Missouri; Nebraska; New Mexico; North Dakota; Ohio; Oklahoma; South Dakota; Vermont; and Wyoming.							

Source: National Highway Traffic Safety Administration and Insurance Institute for Highway Safety, High Loss Data Institute, December 2010

Additional Information

The National Highway Traffic Safety Administration (NHTSA) reports that in 2005 alone, nearly 9,200 people died and approximately one million people were injured in intersection-related crashes—approximately 40-45 percent of all crashes. According to 2005 data from NHTSA's Fatality Analysis Reporting System, crashes caused by red light running resulted in an estimated 805 fatalities.

Listed below are the municipalities in Florida that currently operate red light programs or are in the process of installing photo enforcement technology:

Apopka ; Aventura ; Bal Harbour ; Bradenton ; Brooksville ; Casselberry ; Cocoa Beach ; Collier County ; Coral Gables ; Cutler Bay ; El Portal ; Florida City ; Gulf Breeze ; Hallandale Beach ; Hialeah ; Hollywood ; Jupiter ; Kenneth City ; Key Biscayne ; Lake Worth ; Lakeland ; Miami Gardens ; North Miami ; North Miami Beach ; Ocoee ; Orlando ; Palm Beach County ; Palm Coast ; Pembroke Pines ; Port Richey ; South Pasadena ; Sunny Isles Beach ; Sweetwater ; Temple Terrace ; and Winter Springs.

Questions:

1. What are the projected annual revenues broken down by the categories listed in the ordinance?
2. What is the cost to install, operate, maintain, and enforce this program?
3. What training is required to qualify as a traffic infraction enforcement officer?

Prepared by: Michael Amador-Gil