MEMORANDUM Agenda Item No. 11(A)(7)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: July 8, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution setting policy for Miami-Dade County authorizing the installation of red light cameras at high crash, high volume intersections; directing the Mayor or Designee to implement a red light camera program in Miami-Dade County

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez and Co-Sponsor Commissioner Dorrin D. Rolle.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RESO 2078

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: July 8, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(7)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(7)
7-8-10

RESOLUTION NO. _____

RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY AUTHORIZING THE INSTALLATION OF RED LIGHT CAMERAS AT HIGH CRASH, HIGH VOLUME INTERSECTIONS; DIRECTING THE MAYOR OR DESIGNEE TO IMPLEMENT A RED LIGHT CAMERA PROGRAM IN MIAMI-DADE COUNTY

WHEREAS, during the 2010 state legislative session, the Florida Legislature passed HB 325, the Mark Wandall Traffic Safety Act, authorizing the use of cameras for red light enforcement, and on May 13, 2010, the Governor signed HB 325 into law, Chapter 2010-80, Laws of Florida; and

WHEREAS, HB 325 authorizes cities, counties and the Florida Department of Highway Safety & Motor Vehicles to install red light cameras; and

WHEREAS, HB 325 requires any red light cameras that are installed to meet specifications established by the Florida Department of Transportation no later than December 31, 2010; and

WHEREAS, HB 325 also requires signage at any intersection where red light cameras are installed and a public awareness campaign no less than 30 days before red light cameras are installed; and

WHEREAS, HB 325 provides that no points shall be imposed for red light violations identified by camera and prohibits insurers from using red light violations identified by camera for the purposes of setting motor vehicle insurance rates; and

WHEREAS, HB 325 makes special provision for right turns on red by providing that red light violations identified by camera may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner; and

WHEREAS, HB 325 imposes a fine of $158 for red light violations identified by camera, of which $75 would be retained by the County and $70 would go to the state general revenue fund; and

WHEREAS, $10 from each red light camera violation would go to trauma centers, including Jackson Memorial Hospital, while $3 from each red light camera violation would go to the Miami Project to Cure Paralysis; and

WHEREAS, red light cameras can reduce accidents and improve public safety at intersections in Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Authorizes the installation of red light cameras at high crash, high volume intersections in Miami-Dade County.

Section 2. Directs the Mayor or Designee to implement a red light camera program in Miami-Dade County and implement the Mark Wandall Traffic Safety Act, HB 325.

Section 3. Directs the Mayor or Designee to identify high crash, high volume intersections where red light cameras can most effectively reduce accidents and improve public safety.

Section 4. Authorizes the Mayor or designee to designate traffic infraction enforcement officers to administer the County's red light camera program.

Section 5. Directs the Mayor or designee to initiate a procurement process for identifying a red light camera vendor.

Section 6. Directs the Mayor or designee to provide a report within 120 days of the effective date of this resolution and each 120 days thereafter on implementation of a red light camera program in Miami-Dade County.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez and the Co-Sponsor is Commissioner Dorrin D. Rolle. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of July, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Jess M. McCarty

JMM

5

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

Legislative Notes

Agenda Item:	**11(A)7**
File Number:	**101369**
Committee(s) of Reference:	**Board of County Commissioners**
Date of Analysis:	**June 22, 2010**
Type of Item:	**Resolution**
Sponsor:	**Commissioner Joe A. Martinez**
Co-Sponsor:	**Commissioner Dorrin D. Rolle**

Summary
This resolution sets policy for Miami-Dade County authorizing the installation of red light cameras at high crash, high volume intersections; directs the Mayor or his designee to implement a red light camera program in Miami-Dade County, implement the Mark Wandall Traffic Safety Act, HB 325, identify high crash, high volume intersections where red light cameras can most effectively reduce accidents and improve public safety; **authorizes the Mayor or his designee to designate traffic infraction enforcement officers to administer the County's red light camera program**; directs the Mayor or his designee to initiate a procurement process for identifying a red light camera vendor; and directs the Mayor of his designee to provide a report within 120 days of the effective date of this resolution and each 120 days thereafter on implementation of a red light camera program in Miami-Dade County.

Florida: Attorney General's Opinion[1]
The Office of the Attorney General of Florida in a 1997 opinion identified whether unmanned electronic traffic infraction detectors may independently be used as the basis for issuing citations for violations of traffic laws.[2] The 1997 opinion concluded that nothing precludes the use of unmanned cameras to record violations of s. 316.075, F.S., but "a photographic record of a vehicle violating traffic control laws may not be used as the basis for issuing a citation for such violations."

A 2005 Florida Attorney General opinion reached the same conclusion, stating, "legislative changes are necessary before local governments may issue traffic citations and penalize drivers who fail to obey red light indications on traffic signal devices "as collected from a photographic record from unmanned cameras monitoring intersections. [3]

Several local governments in Florida have participated in the use of red light cameras enforcement of red light violations. Due to the Attorney General' s advisory opinions, the majority of local

[1] House of Representatives Staff Analysis, April 19, 2010, CS/CS/HB 325
[2] http://myfloridalegal.com/ago.nsf/Opinions/E1324D882C2192CE85256429007C1125
[3] http://myfloridalegal.com/ago.nsf/Opinions/CE01BE293FCEEA208525703C00720344

governments have used the cameras in pilot projects solely for data collection purposes or as a warning system to motorists, by sending a letter and attaching no penalty.

- **Sarasota County, Manatee County, Palm Beach County, Polk County, and the cities of Orlando and Melbourne are examples of local governments that have at one time participated in a red light camera pilot project.**
- The Palm Beach County Commission reported that their two-month pilot project using traffic cameras at a test intersection in Palm Beach County showed alarming results.
- The City of Gulf Breeze passed a local ordinance in 2005 allowing use of red light cameras.
    - *A violation by any motor vehicle running a red light that is recorded by a traffic enforcement photographic system is a civil code violation and a $100 civil fee is assessed against the motor vehicle owner. The city has installed one red light camera at Daniel Drive and U.S. 98 in front of Gulf Breeze Middle School. The Gulf Breeze City Council adopted the ordinance despite the opinion issued by the Attorney General.*

However, a Circuit Court judge ruled in February 2010 that the City of Aventura cannot use cameras to catch red light runners.

Other Jurisdictions

In Norcross, Georgia, in 2009, officials abandoned the use of red-light cameras in the wake of mandatory increases in yellow-light intervals statewide, because violations dropped to the point where the privately operated camera systems were costing the city revenue.

Also, the installation of cameras at intersections has been challenged for safety reasons: in a study of six jurisdictions over a seven-year period, the Virginia Transportation Research Council concluded that camera installations were associated with an increase in rear-end collisions.[4]

Questions:

1. What are the projected revenues for Miami-Dade County?
2. What is the cost to install, operate and maintain, and enforce this program?
3. What training is required to qualify as a traffic infraction enforcement officer?
4. What is the fiscal impact to residents?
5. What are some legal challenges the County may face?

National Highway Traffic Safety Administration (Data & Statistics)

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.

Automated Enforcement laws by State (June 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

[4] http://vtrc.virginiadot.org/PubDetails.aspx?PubNo=07-R2

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
Alaska	no state law						
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	driver	tag and driver	$110 fine (including surcharge)/4 points	$75; no points or record
	restricted to construction and school zones, residential areas, or	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

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
	adjacent to a municipal park						photo radar offense if speed within 10 mph of limit
Connecticut	no state law						
Delaware	statewide	red light	registered owner	owner	2 or more images of the vehicle	$75-$230 fine	$50 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 (effective 07/01/10)	red light	registered owner (effective 07/01/10)	owner (effective 07/01/10)	tag and traffic control device (effective 07/01/10)	$125 fine/3 points	$158; no points (effective 07/01/10)
Georgia	statewide	red light	registered owner	owner	license tag, intersectio n, 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
Hawaii	no state law						
Idaho	no state law						
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
Indiana	no state law						
Iowa	no state law						
Kansas	no state law						
Kentucky	no state law						
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						

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
	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 districts, Prince George's County school zones (effective 06/01/10), statewide in school zones by local ordinance and work zones	speed	registered owner	owner	2 or more images of rear of vehicle and tag in any medium	maximum fine $500 in residential district, $1,000 in school zone; points depend on speed	$40 maximum fine; no points
	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
Massachusetts	no state law						
Michigan	no state law						
Minnesota	no state law						
Mississippi	all localities prohibited from using automated enforcement; all current programs prohibited effective 3/20/09						
Missouri	no state law						
Montana	all localities prohibited from using automated enforcement; railroad grade crossings excepted						
Nebraska	no state law						
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	red light	registered owner	registered owner	two or more	$85	penalty same as for traditional

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
	must pass an ordinance and apply to Transportation Commissioner to participate in a pilot program			and driver are jointly liable	images of vehicle and tag		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 Buffalo, by local ordinance, up to 50 intersections; Yonkers, by local ordinance, up to 25 intersections	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
North Carolina	where specified by statute (Albemarle, Charlotte, Chapel Hill, Cornelius, Durham, Fayetteville, Greensboro, Greenville, High Point,	red light	owner	owner	photo, video, electronic image	$100 maximum fine/3 points	$75 civil penalty; 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
	Huntersville, Lumberton, Matthews, Nags Head, Newton, Pineville, Rocky Mount, Spring Lake, and Wilmington)						
North Dakota	no state law						
Ohio	no state law						
Oklahoma	no state law						
Oregon	cities statewide	red light	registered owner or driver, if identifiable	registered owner	photograp hs; 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	photograp hs; digital images	$300 maximum fine	penalty same as for traditional citation
Pennsylvania	Philadelphia	red light	registered owner	owner	photograp hs	$25 fine/3 points	$100 maximum; not on operating 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

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
							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	no state law						
South Dakota	no state law						
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
Vermont	no state law						
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 not

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						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						
Wyoming	no state law						

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

Florida Communities and Red Light Cameras (R)
The following jurisdictions currently operate red light camera programs or are in the process of installing photo enforcement technology:

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

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

Prepared by: Michael Amador-Gil