

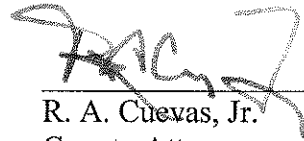
MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners **DATE:** December 4, 2012

FROM: R. A. Cuevas, Jr.
County Attorney **SUBJECT:** Resolution urging municipalities in Miami-Dade County not to use red light cameras to enforce right turns on red

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell and Co-Sponsor Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 4, 2012

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

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

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)(11)
12-4-12

RESOLUTION NO. _____

RESOLUTION URGING MUNICIPALITIES IN MIAMI-DADE
COUNTY NOT TO USE RED LIGHT CAMERAS TO
ENFORCE RIGHT TURNS ON RED

WHEREAS, during the 2010 state legislative session, the Florida Legislature enacted 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 traffic infraction detectors, also known as red light cameras; 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 or city; \$70 would go to the state general revenue fund; \$10 would go to trauma centers, including Jackson Memorial Hospital, and \$3 would go to the Miami Project to Cure Paralysis; and

WHEREAS, HB 325 provides that red light camera violations related to right turns can be issued if the driver is not making the right turn in a “careful and prudent” manner; and

WHEREAS, the most dangerous intersection crashes occur when drivers run a red light driving straight through the intersection rather than on right turns; and

WHEREAS, in many jurisdictions, the vast majority of red light camera violations have been on right turns; and

WHEREAS, in Collier County, for example, 89 percent of red light camera citations issued in April 2010 were based on right turns, leading Collier County to prohibit issuing red light camera citations based on right turns; and

WHEREAS, claims that red light cameras are used to generate government funds rather than to improve public safety may be centered on excessive red light camera enforcement of right turns on a red light; and

WHEREAS, excessive red light camera enforcement on right turns also causes unnecessary traffic backups because even after motorists have the right of way, they are sometimes fearful of making right turns out of fear that they will still be cited, further exacerbating roadway congestion; and

WHEREAS, people who receive right turn on red infractions often have to incur the expense of hiring an attorney to have the red light camera infraction dismissed even though state law expressly prohibits red light camera enforcement of rights turns on red when the turn is made in a careful and prudent manner, which is an added hardship in this very difficult economy; and

WHEREAS, on January 20, 2010, Miami-Dade County passed Ordinance No. 11-01 authorizing a red light camera program; and

WHEREAS, although Miami-Dade County's red light camera program has not yet been implemented, the Miami-Dade County ordinance prohibits enforcement of right turns on red by red light cameras; and

WHEREAS, many municipalities in Miami-Dade County continue to issue citations for right turns on a red light using red light cameras,

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

Section 1. Urges municipalities in Miami-Dade County not to use red light cameras to enforce right turns on red.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Mayor or City Manager of each municipality in Miami-Dade County and the Executive Director of the Miami-Dade League of Cities.

The Prime Sponsor of the foregoing resolution is Commissioner Lynda Bell and the Co-Sponsor is Commissioner Rebeca Sosa. 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:

Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	Juan C. Zapata

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2012. 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.

JMM

Jess M. McCarty