



DEC 04 2009

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF
SECRETARY OF TRANSPORTATION

December 4, 2009

Honorable Joseph F. Markosek
Majority Chairman, House Transportation Committee
314 Irvis Office Building
Harrisburg, PA 17120-2025

Dear Representative Markosek:

The Department would like to thank the House Transportation Committee for the opportunity to provide the Automated Red Light Enforcement (ARLE) testimony on October 21, 2009. As a follow-up, PennDOT submits the following information in response to questions presented during the hearing:

How are fines disbursed for typical red light running violations that are not part of the ARLE Program?

A fine issued by a Police Officer is \$25 for running a red light (75 Pa. C.S. §6502(a)). Two fine distributions scenarios can occur based on the police organization issuing the fine:

- When a Municipal Police Officer administers the fine, half of the fine (\$12.50) is deposited into the Motor License Fund (MLF) and the other half (\$12.50) is retained by the municipality for unrestricted use in their general account.*
- When a State Police Officer administers the fine, the entire fine (\$25.00) is deposited into the Motor License Fund where it is separated into two different accounts (42 Pa. C.S. §3571). Based on 42 Pa. C.S. §3571, half of the fine (\$12.50) is deposited into the Motor License Fund (MLF) and the other half (\$12.50) is placed into an "earmarked" account within the Motor License Fund. The earmarked account is returned to the municipality at the end of the fiscal year and deposited in the Municipality's General Account.*

A flow chart has been provided in Exhibit A that depicts this distribution.

Do other states currently have ARLE programs?

The Department conducted research on this question and has obtained information from the Insurance Institute for Highway Safety which is compiled in Exhibit B.

Why does the Department typically evaluate multiple years of crash data?

67Pa.C.S. §212.302(b)(2) indicates the use of a minimum of three years of available crash data when evaluating crashes at signalized intersections. (Please refer to Exhibit C, "Crash Data" for a detailed explanation.)

Honorable Joseph F. Markosek
December 4, 2009
Page 2

Was interest accruing in the restricted Motor License account?

The Department has determined that the money obtained from the ARLE Program is placed into a restricted account within the MLF and the entire MLF balance accrues interest, however, the interest is not distributed into the individual specific accounts.

The Department will continue to work through the Independent Regulatory Review Commission to come to a resolution via regulation as to the disbursement of funds generated through the ARLE program.

If you have any additional questions concerning this matter, please contact Mr. Daryl St. Clair, P.E., Acting Director of the Bureau of Highway Safety and Traffic Engineering at (717) 787-7350.

Sincerely,

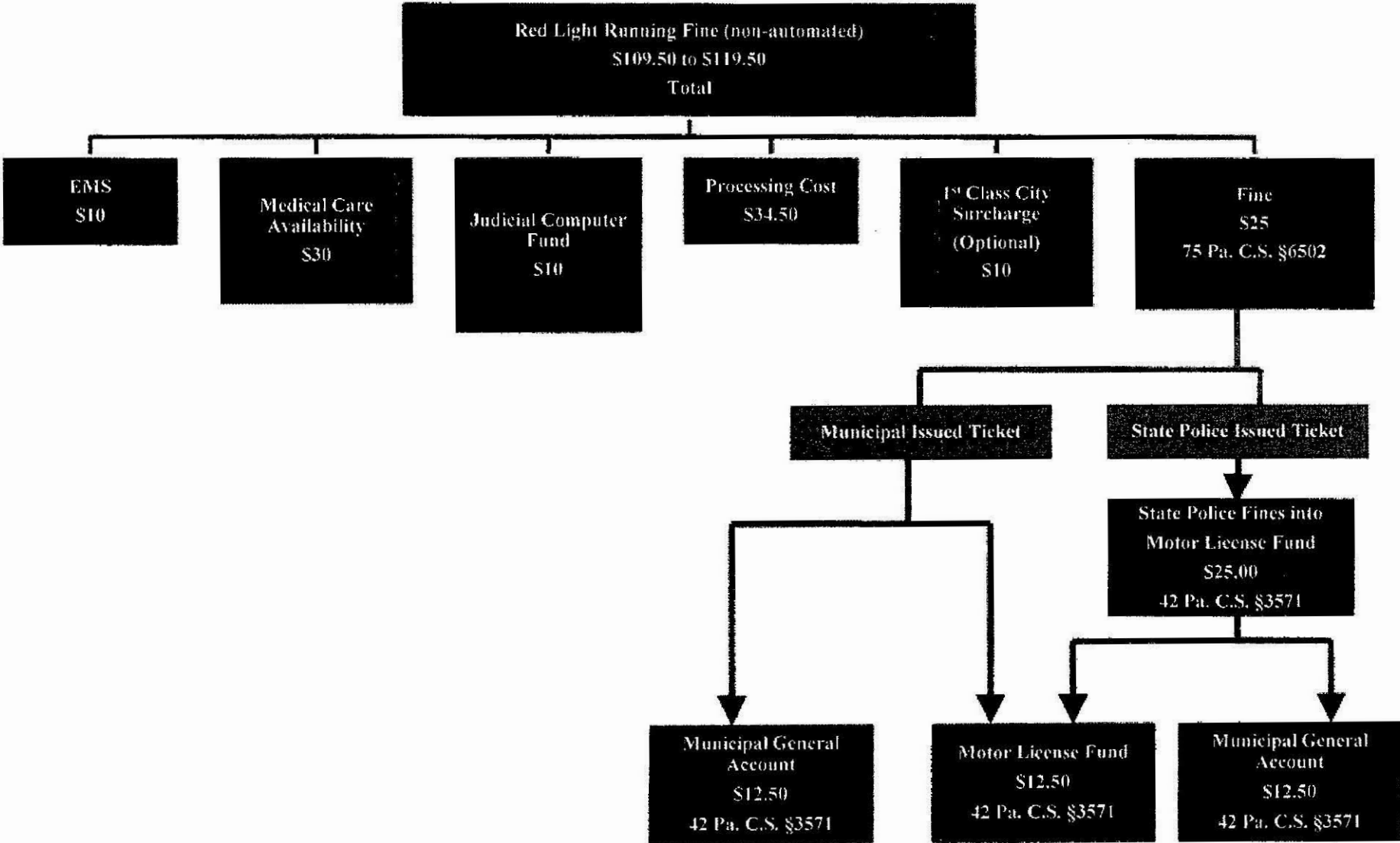


R. Scott Christie, P.E.
Deputy Secretary for Highway Administration

Enclosures

Red Light Running Fine (non-automated) Breakdown

“Exhibit A”



• Liquid Fuels Money Unrestricted

Exhibit B

States Using Automated Red Light Enforcement (October 2009) [26 States and the District of Columbia]

State	Statewide or only specified locations?	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/record	Notes
Alabama					No State Law		
Arizona	Statewide	Not addressed	Not Addressed	Not addressed	\$250 fine/2 points	\$165; no points	
California	Statewide	Registered Owner	Driver	Tag and driver	\$100 fine/1 point	same as for traditional citation	
Colorado	Statewide	Registered Owner	Driver	Tag and driver	\$110 fine (including surcharge)/4 points	\$75; no points or record	Colorado law grants the authority to use automated enforcement to capture any traffic violation
Delaware	Statewide	Registered Owner	Owner	Two or more images of the vehicle	\$75-\$230 fine	\$50 maximum fine; not a record or conviction offense; not to be used by insurers	
DC	Entire jurisdiction	Registered Owner	Owner	Not addressed	\$75 fine/2 points	\$75 fine; no points	DC grants jurisdiction-wide authority to use automated enforcement to capture all moving infractions
Florida					No State Law		
Georgia	Statewide	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	Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will counties; requires local ordinance	Registered Owner	Owner	Two or more images of vehicle and tag	\$500 maximum fine/20 points	\$100; not a moving violation or record offense	Illinois has several different automated enforcement laws
Iowa					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						
Maryland	Statewide	Registered Owner	Owner	Two 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	
Massachusetts					No State Law		
Missouri					No State Law		
New Jersey	Local jurisdictions must pass an ordinance and apply to Transportation Commissioner to participate in a pilot program	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	Photo radar is prohibited
New Mexico	No state law specifically authorizing automated enforcement, 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	Owner	Owner	Two 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, Huntersville, Lumberton, Matthews, Nags Head, Newton, Pineville, Rocky Mount, Spring Lake, and Wilmington)	Owner	Owner	Photo, video, electronic image	\$100 maximum fine/3 points	\$75 civil penalty; no points	
Ohio					No State Law		
Oregon	Cities statewide	Registered Owner or Driver, if identifiable	Registered Owner	Photographs; digital images	\$300 maximum fine	Penalty same as for traditional citation	
Pennsylvania	Philadelphia	Registered Owner	Owner	Photographs	\$25 fine/3 points	\$100 maximum; not on operating record	
Rhode Island	Statewide	Registered Owner	Driver	Two 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	
South Dakota					No State Law		
Tennessee	Statewide except for interstate highways that are not work zones	Registered Owner	Registered Owner	Not addressed	\$50 fine/points	not reportable; no points may be assessed	
Texas	Statewide; requires local ordinance	Registered Owner	Owner	Two or more photographic or digital images of tag	\$200 maximum fine	\$75; not a criminal or record offense	A Texas municipality may not use an automated traffic control system to enforce speed
Virginia		Registered Owner	Driver	Two photographs or other recorded images	\$200 maximum fine/4 points	\$50 maximum fine; no court costs; not a criminal offense; no points; may not be used by insurers	
Washington	Cities and counties statewide where two arterial roads intersect	Registered Owner	Registered Owner	Vehicle, license tag	\$250 maximum fine	A fine up to the maximum for parking violations in the jurisdiction; no record, no points	

Source: October 2009 Automated enforcement laws report located at http://www.tjhs.org/laws/automated_enforcement.aspx

EXHIBIT C

Crash Data

- In most cases, additional years of crash data are used to improve the accuracy of a particular analysis. Three to five years of data will provide a more definite indication of trends and true values than one to two years of data. One to two years of data can lead to aberrations where a much lower or much higher than average year can skew the results.
- However, too many years of crash data can also be negative. Crash data from a long period of time can take into effect social, economical or environmental changes that result in different road conditions. Different conditions lead to different data.
- The Department has determined through its continued analysis of crash data that typically three to five years of crash data provides the correct sample size to evaluate and make proper safety decisions. The Department has also learned through its experience, that crash data spanning typically five or more years may not provide an accurate representation of a particular corridor due to the increased possibility of intersection modifications (infrastructure improvements, commercial/residential/industrial additions or modifications, etc.). Therefore, the Department believes that three to five years of crash data is a proper median to ensure:
 - Development of an accurate representation
 - Adequate sample sizes
 - Trend evaluation
 - Reliable results through multiple site evaluations