



Pennsylvania **Public Interest Research Group**
1420 Walnut St, Suite 650
Philadelphia, PA 19102
(215) 732-3747

Phineas Baxandall
Senior Analyst
Pennsylvania Public Interest Research Group
Phineas@pirg.org
(857)234-1328

November 14, 2011

Dear members of the Pennsylvania House Transportation Committee,

Thank you for your invitation to provide testimony to the Committee for today's public hearing on the red light camera program. The comments below relate to both the Philadelphia Code (Chapter 12-3000) and Senate Bill 595, since both will come before your committee and we believe both contain similar strengths and weaknesses

The analysis below discusses four types of public protections that should be included as public protections in any enabling legislation for red-light camera programs. We discuss specific recommendations for best practice, as compared to how the Philadelphia Code and Senate Bill 595 measures up to these standards.

Unfortunately the currently legislation and municipal code fall far short of high standards of best practice. We recommend against approving this legislation or a continuation of the Philadelphia code without amendments to meet best practice.

(1) Pennsylvania cities should put safety first in enforcing traffic laws. Fortunately, data from police accident records and traffic engineering studies make it relatively straightforward to put this principle into practice by addressing some basic questions:

- **Where does a problem really exist?** Red-light cameras should only be placed at an intersection where authorities have documented a history of injuries from red-light running. Neither the Philadelphia Code nor Senate Bill 595 requires such a clear and data-driven practice for screening applications. Instead, both documents designate the Pennsylvania Secretary of Transportation to approve intersections (along with the Philadelphia Parking Authority in Philadelphia). The ordinance and proposed legislation fail to provide any criteria for issuing approvals or

denials of these applications. The lack of criteria makes decisions inherently arbitrary. Without criteria it is also impossible for the public to challenge the basis or application of these decisions, or for outside experts to recommend improvements. Mandating a serious and systematic screening process may require an extension of the 60 day period to make a proper level of analysis possible. Alternately, the law could eliminate the provision in the Senate bill that converts a delayed decision into an approval.

- *Are there alternative solutions?* Before installing camera ticketing at an intersection, authorities should certify that they have attempted alternative methods to reduce red-light running injuries through traffic engineering that did not address the problem. The Federal Highway Administration recommends this protocol in its guidance stating that, "Cameras should be considered/installed only after engineering solutions have been proven ineffective where there is a red-light-running problem." Traffic engineering solutions include, for instance, lengthening the yellow-light interval, removing visual obstructions to the traffic signal, or improve signage. Many of these measures are also substantially cheaper than ongoing payments to a red-light camera company. Unfortunately neither the Philadelphia Code nor Senate Bill 595 require this protocol to protect the public. In fact, while both documents explicitly forbid reducing yellow-light duration times to shorter than what is indicated on the city's permit for installing a traffic signal; they fail to make possible an extension the yellow-light duration longer than the previously permitted time.
- *Does it focus on the problem?* Ticketing at a particular intersection should be focused on deterring the type of red-light running that has caused injuries at that intersection. A traffic camera can otherwise be judged as inappropriately being used as a revenue generator rather than a safety enhancement. This would be the case, for instance, if the city disproportionately issues tickets for right-turn-on-red violations at an intersection where right turns have not been a major cause of injuries. Neither the Philadelphia Code nor Senate Bill 595 require such consideration.
- *Is it effective?* Once created, programs should come under regular review to assess whether red-light cameras are reducing injuries and fatalities. The evaluation should be made without regard to the amount of revenue that cameras generate. Both the Philadelphia Code and Senate Bill 595 mandate regular reporting, but neither dictates that a program should be terminated if evidence fails to indicate improved safety.

(2) Red-light camera contracts must not create additional incentives to issue more tickets. People respond to financial incentives. Therefore legislation should forbid contract incentives for vendors that are based directly or indirectly on the volume of tickets or fines. Rewarding contractors for placing more fines on drivers will undermine public confidence in the program. Loss of public trust may further undermine societal compliance with traffic laws. Compliance ultimately depends more on broad beliefs

about the fairness and usefulness of traffic laws, rather than calculations about the likelihood of receiving a fine.

Pennsylvania knows all too well how incentives for private enrichment can distort decisions about law enforcement. The recent conviction in Luzerne County of judge, Mark A. Ciavarella Jr. for sentencing children to juvenile detention in return for \$2.6 million in payments from the private detention center.

Therefore, it is beneficial that Senate bill 595 expressly forbid public payments based on the volume of tickets and requires that payment be accorded based on the value of equipment and services provided. Likewise greater separation between safety decisions and revenue implications is accomplished by sharing municipal revenues with the state. The municipal share is split with the state in the Senate bill with a maximum of 5 percent of the annual municipal budget. These mandates partially dilute the incentive to issue tickets for revenue.

(3) Public officials should retain control over transportation policy decisions, including the ability to withdraw from a contract early if dissatisfied with the service or its effects. Public control of red-light ticketing has been seriously compromised in other states where companies have issued lawsuits or when contract terms enable the company to levy financial penalties if too few tickets are issued.

For instance, the camera vendor American Traffic Solution last week announced a law suit against Knoxville, Tennessee because the city no longer issues citations for lack of full stops on night turns. Reductions in company revenues should not be a reason to change public traffic policies.

(4) Extraordinary transparency and opportunities for public input should prevail when private contractors are enlisted to make decisions about law enforcement. Contractors' decisions and rewards must be subject to an extraordinary degree of public openness with ample opportunity for empowered public participation.

Online public access is crucial to ensure that the outcome of camera ticketing contracts are fully transparent. We recommend that a regularly updated public website list the following information for each intersection with red-light camera: information about the number of citations, the number of rejected citations, the number of fines, and the amount of fine revenue going to the city. The websites should also detail the criteria the company uses to decide which cars receive infractions. Contractors already track this information. Citizens should be empowered to scrutinize the outcomes and to pose questions based on the data. Vendors should print the website prominently on every ticket.

Likewise, both the Philadelphia Code and Senate Bill require clear posting of signs announcing the use of red-light cameras ahead. Proper signs also protect the public from perverse incentives in operating the programs, since proper signage can reduce the amount of red-light running while increasing safety.

It is important that information be publicly accessible for each intersection listing the types of violations identified by the contractor and what percent are overridden by police review before final approval. It is important that vendors track this information and that the public can scrutinize it. This is crucial for evaluating whether other principles are being upheld. For instance, if an intersection issues large numbers of tickets for a type of violation for which there is no prior history of injuries, this would be an indication that the camera is functioning for the purpose of revenue enhancement, not safety.

Thank you for the opportunity to address the committee. We look forward to speaking with you more about these issues.

Phineas Baxandall
Senior Analyst, PennPIRG