

SB 61 Automated Enforcement

S.B. 61—Committee on Transportation and Homeland Security

Summary—Provides for a pilot program for local governments to use certain automated systems for the enforcement of traffic laws. (BDR 43-330) Fiscal

Note: Effect on Local Government: No. Effect on the State: Yes

The first assertion here that there would be no effect on local government is false. Local Government would have to make capital expenditures and sign multi-year contracts to install the systems, or guarantee long-term minimum revenue thresholds to the camera vendors in exchange for the installations. They would thereby become vested in a system that requires sustained violations to be viable, and ideally, profitable.

SB 61 REBUTTAL TESTIMONY:

SB 61 would be a bad law. There is no credible benefit whatsoever for the public good, it violates due process, requires an unsafe condition to be maintained for sustenance and it's all about the money, not safety. Moreover, nothing could be added to this Bill that could protect the citizens of Nevada and its visitors alike from abuses of the state.

I know you are extremely busy, but for those that do not have the time, you can scan this for salient information. Nonetheless, please read this to really understand what we are dealing with here. SB 61 is only the end result of a much more troubling trend in entitlements being granted to Public Safety entities to build empires and extract money from “We the People”. What are we doing with SB 61? The unnecessary deaths continue unabated while we debate this new revenue entitlement!

What Nevada has is an engineering crisis where poor practices and no real oversight that is directly responsible for at least a third of our deaths. Yes, a third and more! The overwhelming majority of enforcement in Nevada is based on writing tickets en masse (enforcement traps) and targeting people, who according to the FHWA and NDOT's own data, are otherwise driving safely. This is a fact that CAN BE EASILY EXPLAINED, IT'S IRREFUTABLE, AND CAN BE SUBSTANTIATED!

What's remarkable, as new roads are built, the number of deaths continue to increase due to poor oversight and engineering. Nothing changes as failed remedies that cannot possibly have any effect are applied! To make our roads safer we need periodic safety audits, comprehensive traffic engineering studies, and long-term access plans to assure traffic control meets the needs of traffic and hazard mitigation. These remedies that actually save lives are so rare in Nevada, they're non-existent. Public policy could make significant improvements in safety and flow. Once we understand what needs to be done, it can happen!

SB 61 reinforces the fact as a nation we have plenty of constituencies interested in new revenue opportunities. The problem is they now control the public debate in their own self-interest. Whereas there are no constituencies left for safety, particularly if they go against the self-interest of the Public Safety Industrial complex, or if someone has to be responsible for leadership, or if it costs money.

Nationally, and here in Nevada, the high levels of observed incidents of red light running, poor flow characteristics and more importantly, your high accident rates, are self-evident proof of poor

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practices. Seven people on a tour bus just died in Atlanta from the same poor practices you find here, and this tragedy could have easily have happened in Nevada. In regards to signal timing, anytime midday it takes 3 - 4 signals cycles to move 1 block, it can never be characterized as the motorists' fault, nor will red light cameras ever fix it. Here is a link to Power Point presentation I made in 2002 at the Western Institute of Transportation Engineers (ITE) Conference: Red Light Camera history, law cites, best practices, before and after charts. Followed by another link to the 3rd results from one of my charts where they further lengthened the yellow interval, and more.
http://www.bhspi.org/documents/ite6_ppt_presentation.htm
<http://www.highwayrobbery.net/redlightcamslinksref.htm#NoRebound>

Nothing here in front of the committee on SB 61 was by chance. The proponents are well-organized professional institutions that had a prescribed plan, with all the supporting materials organized before being presented. What's amazing to me is the totally distorted, irrelevant statistics and how many times the Oxnard California study was quoted after the California Senate labeled it a fraud. It turns out Richard Retting and the IIHS didn't actually study the actual intersections cited in this success story and it also had many other fatal flaws.

To the uninformed the language in the current federal regulations regarding signal timing appears to set standards, but in reality they're only cosmetic now because wording nuances have, in fact, removed all prior best practice and uniformity standards. Whereas, when Congress created the USDOT in the Highway Safety Act of 1966, its paramount directive required uniformity of appearance, application and expectation based only on fully vetted procedures and practices regardless of state lines or jurisdiction classification in all the US territories, States, military bases, or federal parks.

In regards to uniformity, the engineer from Las Vegas testified that several individuals there decided to set all signal timing the same based on their opinion, by geometric design. An incredible policy on its face, absent any engineering studies or factual basis. How could a nation of hundreds of millions of people, with tens of millions of visitors, decide what the settings are for a few intersections in Las Vegas? Simply stated, a standard setting does not mean each intersection meets the safety needs of traffic, or due process when being charged for violating an unsubstantiated invented value.

This law if passed:

1. Arbitrary and Capricious:
 - a. Signal timing in Nevada not subject to any standard nor is there any uniformity of expectation or standard set by the state, or is there any review or corrections required, either.
 - b. Without a standard to be met, each entity is left to its own vices and the motorist has no method to challenge an enforcement trap. Nor is there any method to curtail errant practices or a reason that would cause any entity to correct a problem they have turned into a profit center.

Sidebar: Best stated by a former DA for Washoe County, Nevada has no "speed trap law". In fact, there isn't any form of enforcement trap protection here in Nevada. The courts have a direct financial interest in the outcome of the cases before them and must have high citations rates to meet the court's expenses and overhead. When Reno added to its traffic enforcement team, the local court had a public catfight on who and how the windfall revenue from the citations was going to be spent. Once these funds were committed and spent, they cannot stop the amount of

revenue they must collect from motorists to sustain themselves. A fact reinforced when my local Judge complained publicly that the NHP didn't write enough citations in his jurisdiction that year, but not to worry, the Douglas County Sheriff assigned reserve officers to help solve his citation (revenue) short fall. In addition, a deputy AG for transportation put the final nail in this due process question years ago when illegal traffic control device use was the basis for enforcement traps by unfounded or supported local decree. Device use a government engineer thought was also unsafe and against the professional standards his profession required him to apply, and the law. The Deputy AG paraphrased, "My job is to protect the state, not its citizens," another factual statement. Nor was another NDOT assigned deputy AG deterred when he filed false statements in a court affidavit to prevent discovery in a traffic case. In Nevada, it only gets better, because if you should dare to plead not guilty in Washoe County, the DAs routinely threaten \$1,000 fines and jail, then act on it. There are many more such examples, but I digress. Being from the North, these are just some of the examples I have personal knowledge of. Yes, justice for all in Nevada. The real question is who protects our citizens and visitors from the state? Nobody! SB 61 removes any pretext of protection under the law. Again, all true and easily substantiated, too.

- c. Setting timing by the geometric design of an intersection does not mean the needs of the traffic are being met. Absent safety audits and engineering studies and findings based only on verified nationally accepted practices, which is not done in a single jurisdiction within Nevada, and the unsupported opinions of one or a few will never suffice for due process or traffic law based in fact.

2. Due Process and Constitutional Violations:

- a. Guilty with no defense. Vehicle owner fined and is responsible to pay fine regardless of driver.
- b. Becomes tax on employers. Business owners must accuse employee weeks after the offense occurred that they are the one responsible and accept the penalties or the risk and liability from unlawfully withholding pay from employee.
- c. Adjudicator has financial interest in outcome of case
- d. Company contracted to run system has financial interest in convictions.
- e. Contractors have history of selective enforcement/processing. In other states, those whom have protected plates because of their jobs, regardless if they are active, retired or a friend of a law enforcement officer, politician or officer of the court et al, their citations are not processed. California is one of those states.

3. Cameras not Deterrent and Unsafe:

- a. We have the data now. The level of accidents and citations continue unabated.
- b. Red light and speed enforcement cameras require unsafe engineering for sustenance.
- c. If a camera is financially viable, it's prima facie documentation that an uncorrected engineering defect exists. People die or are injured by design in order for the city to profit.
- d. An individual of means could become an intentional repeated violator without any real consequences.
- e. Moreover, AAA of Michigan sponsored a project that reduced accidents at problem intersections by up to 71 percent by applying best engineering practices.

The law enforcement lobby was standing a dozen deep extolling the virtues of automated enforcement systems. Let's examine each of their major statements and contentions, none of which were true.

Sidebar: it really troubles me when public entities, particularly law enforcement, make misleading statements, and worse, to get a law passed. If they could claim ignorance on how to make intersections safe, does this make the misleading statements anymore acceptable?

Issuing automated citations by mail will reduce accidents.

False:

The city that issues the most automated citations per capita in the nation is Washington, D.C. They currently issue almost 2 citations per capita, per year, and have instituted plans to significantly increase these numbers. Population 500,000 and they currently write close to a million automated (red light & speed) tickets a year. Over 70 percent of these are to visitors passing through.

Each time there is slight dip in the accident rate, city officials and NHTSA, IIHS et al claim another success. What they haven't been able to explain is that despite the purported reductions, Washington, D.C. continues to have the dubious honor of having the highest accident claims rate in the nation, still, after 7 years of camera enforcement!

In Washington, D.C. all signal timing and speed limits are arbitrarily established. They do not do safety audits or traffic engineering studies. Even when they are done, best practices are not followed, just as here, in Nevada. Contractor for this 1 million ticket a year system in DC, Lockheed Martin, and the USDOT, never acted on clear violations of the then existing law, relevance later. Moreover, the proponents of SB 61 never shared the successes of this location with the Committee, where the Mayor and Chief of Police admit it's for the money!

<http://www.washingtonpost.com/wp-dyn/content/article/2005/10/03/AR2005100301844.html>

D.C. Red-Light Cameras Fail to Reduce Accidents

*By Del Quentin Wilber and Derek Willis
Washington Post Staff Writers Tuesday, October 4, 2005;*

The District's red-light cameras have generated more than 500,000 violations and \$32 million in fines over the past six years. City officials credit them with making busy roads safer.

But a Washington Post analysis of crash statistics shows that the number of accidents has gone up at intersections with the cameras. The increase is the same or worse than at traffic signals without the devices.

Automated enforcement is not about the revenue.

Not credible:

This bill would open the door to automated enforcement and the money that it has proven to generate, period! If extrapolated to Las Vegas Valley, you have the real

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potential of 2 or more million additional “guilty with no defense” citations a year that raise revenue and provide no safety benefit.

While we focus on red lights and the inevitable speed cameras, the newest high profits centers are technical violations like rolling right turns. The fact that these are no point and not safety violations, the insurance lobby will soon thereafter want to make these point violations so they, too, can cash in on their loyal support of their friends.

If you’re clever like Washington, D.C. and now Arizona, you can set up the enforcement traps to primarily target visitors and people passing through on the interstate. Therefore, many millions would have no choice except to mail in their fines or be subjected to having their car impounded if they ever return to Nevada. Particularly now that they have mobile automatic license plate readers that have proven to further increase returns.

Again, it’s never about the money until you read the internal memos. Below is a link to a recent memo we obtained through discovery from the Union City California Police Department. Redflex, the camera vendor, was too optimistic on the number of citations the system would generate and the Union City Police Department was quite concerned about their returns. You won’t see the word safety anywhere here nor a request to send an engineer to check the signal timing in any of their documents.

However, when the City of Fremont sent them a note that they were experiencing an ever-increasing number violations this was an exciting revelation they too wanted to capitalize on. If safety and not revenue were the end game, then reductions would be good news. The truth is always something different altogether. The cameras need high volumes of sustainable citations to be financially viable and if the number of citations drops, the cameras are removed shortly thereafter. This memo shows why.

In every cost estimate including the salary of the officer here they never show the true cost to the taxpayer, ever. After 30 years on the National Speed Limit the legacy cost is staggering. We have built new facilities everywhere, hired judges, prosecutors, staff et al and officers by the thousands in Nevada alone that have all retired now. Therefore, without ever increasing fines and rationales for writing citations, our public safety pyramid scheme will collapse.

The cameras are one of those great hopes, significant levels of income with relative low cost, particularly with this new guilty with-no-defense system without due process to worry about anymore. Just imagine how efficient fine collection will be!

Link to all the documents and charts:
http://bhspi.org/documents/rlc_unioncitypd.html

Source of language of legislation, data and talking points by law enforcement and the Safe Community Partnership, et al.

Not Credible:

NHTSA’s influence can be found in every aspect of this legislation. Its primary constituents are enforcement, its surrogates and those that benefit by these enterprises. What few know is their data and releases are so incredible and conduct egregious that Congress barred them from either testifying directly or producing support materials to influence state legislation. Several examples of such gross exaggerations and manipulation of governing laws to eliminate due process at the expense of safety can be found in this text. This is the very same proscribed source that was the foundation of the

misleading statements by the proponents of SB 61 to the Committee, despite the law the egregious behavior continues.

“The Transportation Equity Act for the 21st Century (TEA-21), which was enacted in 1998, included a new lobbying restriction that prohibits the use of NHTSA funds for:

Any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.

This restriction imposes additional lobbying restrictions on NHTSA, such as by prohibiting agency officials from:

Visiting or sending letters to State or local legislators, urging them to favor or oppose specific State or local legislation pending in those jurisdictions; or

Developing and providing to anyone (including lobbyists) materials developed specifically to advocate for the enactment or repeal of specific pending State or local legislation...”

Here is something I wrote in 2002. Things haven't changed and you can see how distorted the NHTSA was in the beginning of this campaign, and is today. Incredible!

“The USDOT Stop Red Light Running Campaign was given heightened priority in 1995 because support for the National Speed Limit had all but vanished. NHTSA had a crisis of their own looming because their Traffic Law Enforcement (TLE) division constituents needed new crises to ensure their funding levels. It is staffed with officers on loan from their respective agencies learning how to write and administer enforcement grants. And NHTSA's marketing agency works with them to develop crises: road rage, aggressive driving, seat belts, red lights, zero tolerance to speed limits etc.

*1995 the PR campaign begins. The Stop Red Light Running Campaign is on virtually every network as well as local news program and newspaper across the Nation. The National Motorists Association (NMA) complains and NHTSA admits that their data is grossly exaggerated. **Undeterred by facts, the USDOT in their 1996 release and again in a 1998 release began with 8,100 intersection fatalities as the nexus for their campaign against Red Light Running.** True to form as in all their (misinformation) campaigns, only a small percentage of these actually occurred at intersections with traffic lights, and much smaller number of those involved entries on red.*

It worked. The public's acceptance of the Red Light Running campaign succeeded. It had also worked as a viable and easy to administer NHTSA Highway Safety Grant program. All the agencies had to do is have their officers SIT IN at the highest volume low accident rate intersections and write red light citations, and the officers earned their coveted supplemental take-home pay. No one in the media noticed or cared to ask why they never worked the high accident rate low volume locations or that these efforts never reduce accidents....

...The sad truth, seven years later no one really knows this answer. The data is too imprecise. There is no national standard on data; each state has different criteria and methods for reporting accidents."

All the proponents over the years have received significant funds from NHTSA and each agency that testified continues today to benefit financially from NHTSA's red light running campaign. One of the major reasons Red Light Running (RLR) campaigns are so popular is they are able to reward their officers with supplemental federal time-and-a-half take home pay to write the citations.

The proponent's of SB 61 testimony stated there were 950 fatalities nationally, caused by red light running. Another incredible statement! The interesting part is how did the proponents of SB 61 come to 950 when NHTSA is only claiming 850, down from the related 8100 they cited the first five years after they launched their red light running campaigns?

USA TODAY 2/15/2007 "More than 850 people die and about 170,000 are injured each year in crashes caused by drivers running red lights, the National Highway Traffic Safety Administration says."

Simply stated NHTSA and those using their data to advocate legislation or public opinion use or infer the R word (related) when the data doesn't support the conclusion. Not only did the proponents of SB 61 pad the national data by a hundred deaths, they incredulously used the same R word when they cited 261 intersection deaths in Nevada separately during the testimony - 30 percent of the red light running deaths nationally? The numbers stated are not credible and have no correlation whatsoever with the pending legislation. The truth is no one knows, nor has NHTSA ever examined in detail, how many of these accidents were the result of the signal timing or if they were properly set. The driver now causes all accidents and any underlying engineering problems are not included in USDOT accident or fatality statistics.

Most intersection fatalities are right of way violations, not red light running and when it is red light running, the signal phase timing rarely is a factor. When you remove police chases, etc., the fatalities caused by red light running where the signal timing had an effect on the outcome of the accident would be high if it was 200. Most of these could have been prevented with longer yellows to meet the needs of traffic and an adequate ALL RED PHASE to assure all traffic has cleared the intersection before giving cross traffic a green.

To facilitate red light cameras the USDOT removed the legal requirements that signal timing meet the needs of traffic and that the engineer must periodically review their efficacy. Therefore, when the local engineer from Las Vegas claimed he was meeting federal standards that was a true statement, per se, because they don't exist anymore. Here is the language that was removed:

*1988 MUTCD Section 4B-20:
Signal Operation Must Relate to Traffic Flow
Traffic control signals shall be operated in a manner consistent with traffic requirements. Data from engineering studies shall be used to determine the*

proper phasing and timing for a signal. Since traffic flows and patterns change, it is necessary that the engineering data be updated and re-evaluated regularly.”

Without exception, in every city we have examined with cameras, the signal timing is inadequate and it must remain that way for the cameras to be financially viable. If the cameras could reduce red light running, their business model fails. Simple stated, without high sustainable violation rates nobody makes money and the cameras are removed.

Why are we blaming this on NHTSA? It becomes self-evident when you read their model law that was the foundation of the language in SB 61. Here is how they initiated the for-profit phase of this program and it becomes clearer when you read the model law that supports this.

1994 "The new Automated Enforcement Program is designed to be self-supporting through the payment of fines for red light violations.”
[<http://www.nhtsa.dot.gov/people/outreach/safedige/Spring1998/n5-58.html>]

The federally recommended practice finally stated in clear language that the object is the fine, not safety. Complete with the incredulous statement that using photo enforcement may incur due process questions that will not arise if they just fine the vehicle owner under there new recommended guilty with no defense system. To accomplish this, all you have to do is fine the car owner, not the driver!

And the obligatory "Just because it looks like a duck, walks a like a duck and lays duck eggs it's not a duck," this enforcement program is not for revenue disclaimer!

Versions of this model to eliminate due process in the collection of traffic fines are being widely adopted across the nation, solely to streamline fine collection. What makes this a real problem is there are no safeguards for the motorists whatsoever in Nevada from misconduct of the state. Remember, the AG for Transportation stated that his job is protecting the state, not its citizens, and the courts have a financial interest in the outcome of a case.

Subject: Model Traffic Law - Speed - NHTSA & IIHS sit on panel

<http://wwwcf.fhwa.dot.gov/exit.cfm?link=http://www.ncutlo.org/autoenforce622.htm>

Automated traffic law enforcement model law

The objective of automated traffic law enforcement is reduced traffic crashes and improved adherence to traffic laws through the use of photographic and electronic technology as a supplement for traditional traffic law enforcement. This type of enforcement should be used at high crash sites, at other high-risk locations, or in situations where traffic law enforcement personnel cannot be utilized, either due to the pressing needs of other law enforcement activities or where inherent on-site problems make traditional law enforcement difficult.

Automated traffic law enforcement is not intended to replace traditional law enforcement personnel nor to mitigate safety problems caused by deficient road

design, construction or maintenance. Rather, it provides enforcement at times and locations when police manpower is unavailable or its use raises safety concerns.

*The model law imposes only a civil fine for traffic law violations enforced via an automated traffic law enforcement system and relies on an initial presumption of guilt. This approach is not new as it is typically utilized for the enforcement of parking law violations. **As with parking violations, traffic law violations resulting from automated traffic law enforcement are not recorded in drivers' licensing files for possible point assessment or licensing action. Indeed, any attempt to unfavorably influence persons' driving privileges, through the use of this system, could raise due process of law concerns.***

This model law contains provisions to insure that automated traffic law enforcement is not used as a revenue generator. Compensation paid for an automated traffic law system is to be based only on the value of the equipment or the services provided. Compensation for services or equipment is not to be based on the revenue generated by the system.

*To help further this goal and improve highway safety, this model law provides that **“revenue derived from automated traffic law enforcement may be utilized solely to fund highway safety functions.”***

The model law brings us full circle in this "For safety" charade back to the **“revenue derived from automated traffic law enforcement may be utilized ‘solely’ to fund highway safety functions”**. The fact is those who testified it's not about the money are the inherent primary beneficiary!

When you hear testimony now on SB 61 or in the future you need to know who the primary players are that are so often quoted.

Not a single report, or press release for that matter, by the IIHS, NHTSA or the Governor's Association and others of their ilk, survives peer review by traffic safety research engineers or academia. This is important because these are the primary sources of the pro testimony on SB 61.

Insurance Institute for Highway Safety: IIHS is a PR agency whose constituents derive in excess of 25 percent of their income from traffic citation surcharges. For citations that the FHWA characterized the overwhelming majority of as technical in nature to motorists that are otherwise driving safely.

The IIHS doesn't do true research but they do issue political statements/propaganda in the guise of studies for their clients, the insurance companies, that are not subjected to, or survive peer review.

NHTSA is the primary funding agency for traffic enforcement and they create the need for the programs and rationales for new reason to make traffic stops, and then supply the funds to enforce them. Materials that Congress has found so incredible they banned NHTSA from testifying or preparing materials to influence state legislation.

Sidebar: Not to worry, they now offer funding (bribes) to their constituents and contractors if they testify in their stead to advance their agendas. We were actually able to substantiate this

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misconduct for the launch of their first pilot aggressive driving law in Arizona. The same incredible materials used to pass Nevada's aggressive driving law. One of the leading component factors and citations written by the NHP was legal until, under the guise of law simplification, they duped the legislature into making a prior legal and safe act, illegal. Why? To justify the tens of thousands of citations they were already wrongfully issuing because the officer's cite cheat sheets omitted a major legal and safe exception. When I examined NDOT records, my low-risk-act suspicions were substantiated. It was the cause of a handful of accidents in urban areas, less than 10 statewide, with none on the highways where they were writing them. You changed it, but it didn't change the fact that it was still ZERO as a true unsafe aggressive factor.

The newest member to this propaganda tag team is the **Governor's Association for Safety**. Several weeks before a NHTSA program is set to launch, the association decries a crisis du jour. A few weeks later, NHTSA comes to the rescue with a federally funded enforcement grant program where all the participating agencies and their officers can earn extra money to write citations, complete with high quotas to qualify for future grants. Then the Governor's Association et al collects and distributes the grants to their state and local agencies. The only beneficiaries here are the public entities and their staff, not safety or the motorists, because most of these programs have long ago been proven ineffective.

Worse, for the past decade and more, true research has been all but blocked and only those papers or results that are preordained to support their agenda are awarded research grants and those that DO NOT are not allowed in the public discourse. No dissenting studies, whatsoever, can be found on USDOT websites, nor at their subject matter conferences. When the whole story is withheld from policy makers, it's much easier to accomplish agendas and fool those who honestly believe what they are being told.

The most astonishing trend since the repeal of the National Speed Limit is that all prescribed practices and standards where an entity could be held accountable have been removed from the federal code. Prior best practices were a hindrance to the interest of the NHTSA and the Public Safety Industrial Complex. In 1995, the first assault on best practices and engineering standards to support their enforcement constituents is enacted. Because of this success, they were emboldened, and over the next decade, succeeded in gutting virtually every other impediment to their agenda. This includes the removal of standards to be met for signal timing to facilitate streamlined fine collection, absent pesky due process problems.

Federal Register, 1995 NHTSA notice where they explicitly refused to condition speed enforcement aid on reasonable speed limits:

“The agencies have not adopted West Virginia's suggestion to include a statement that enforcement funding be preceded by engineering evaluations of existing speed limits. To do so would hinder enforcement efforts, based on a blanket presumption that existing speed limits are not reasonable. The agencies are neither willing to accept that presumption nor to place conditions on enforcement efforts, which we view as a vital tool for effective speed control.”

This comment related to adoption of the "speed control" guideline and their use of the word “presumption” was, at best, duplicitous. Why? When this statement was made in the federal register, NHTSA had also been aggressively impeding the publication of the largest body of work/research ever done by the FHWA on “The Effects of Raising and Lowering Speed Limits”. Completed in 1992, and here in 1995, it still hadn't seen the light of day. In fact, those with copies were being threatened with sanctions or transfers if any more copies were distributed.

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Our position is the best practice that **Signal Operation Must Relate to Traffic Flow is irrefutable, and there is no information whatsoever in the engineering body of knowledge to the contrary.**

Fact:

Any practice that doesn't incorporate this tenet traffic control must meet the needs of traffic and provide adequate notice is repugnant to the safety needs of the state, violates the motorists' due process, while it subjects all of us to real probabilities of increased deaths and grievous injuries.

The "how" we got in this mess was by design, and it wasn't the safety engineers', it was the influence of the for-profit camera lobby, the Public Safety Industrial Complex, and those that would benefit from this enterprise.

Fact:

1988 MUTCD Section 4B-20:

Signal Operation Must Relate to Traffic Flow

Traffic control signals shall be operated in a manner consistent with traffic requirements. Data from engineering studies shall be used to determine the proper phasing and timing for a signal. Since traffic flows and patterns change, it is necessary that the engineering data be updated and re-evaluated regularly."

Prior best practice:

*"It has frequently been claimed that if the yellow is "too long", more drivers will use part of the yellow as green. More drivers - it was argued - would cross after the yellow onset with long [RATHER] than with short yellow."..... **"The data show that the percentage of last-to-cross vehicles clearing the intersection (T+0.2) seconds or more past the yellow onset was not appreciably changed by the extension of the yellow phase."** ["The Influence of the Time Duration of Yellow Traffic Signals on Driver Response", Stimpson/Zador/Tarnoff, ITE Journal, Institute of Transportation Engineers, November 1980, page 27]*

*"The percentages of these vehicles, that is of vehicles that could have been involved in a conflict with cross-street traffic, **were substantially smaller at both sites and under all conditions after the yellow duration was extended.** No evidence was found at either site, under any of the conditions, that the vehicles that were in potential conflict with cross-street traffic with the extended yellow would have cleared the intersection earlier in the cycle if the yellow had not been extended. **Thus, the extensions of yellow duration employed in this study substantially reduced the frequency of potential intersection conflicts.**" ["The Influence of the Time Duration of Yellow Traffic Signals on Driver Response", Stimpson/Zador/Tarnoff, ITE Journal, Institute of Transportation Engineers, November 1980, page 28]*

Inserted by camera lobby and those whom benefit from the hijacking of best practices:

*1994 - **"The preparatory activities of the Automated Enforcement Program, which began in 1994, were supported by seed money from the National Highway Traffic Safety Administration (NHTSA)....."***

[\[http://www.nhtsa.dot.gov/people/outreach/safedige/Spring1998/n5-58.html\]](http://www.nhtsa.dot.gov/people/outreach/safedige/Spring1998/n5-58.html)

"The new Automated Enforcement Program is designed to be self-supporting through the payment of fines for red light violations." [<http://www.nhtsa.dot.gov/people/outreach/safedige/Spring1998/n5-58.html>]

Who do you suppose at ITE changed this from 1985:

"The primary measure of effectiveness for the yellow interval is the percent of vehicles entering the intersection after the termination of the yellow indication; that is, during the red following the yellow." "When the percent of vehicles that are last through the intersection which enter on red exceeds that which is locally acceptable (many agencies use a value of one to three percent), the yellow interval should be lengthened until the percentage conforms to local standards." ["Determining Vehicle Change Intervals - A Proposed Recommended Practice", Institute of Transportation Engineers, Washington, D.C., 1985, page 6]

It may come as no surprise that Richard Retting from IIHS is also on the committee that changed this and the other laws that removed prior best practices.

August 1994 - *"A primary measure of effectiveness for the yellow change interval is the percentage of vehicles entering the intersection after the termination of the yellow indication - that is, during the red following the yellow." "When the percentage of vehicles that entered on a red indication exceeds that which is locally acceptable, the yellow change interval may be lengthened (or shortened) until the percentage conforms to local standards, or enforcement can be used instead."* ["Determining Vehicle Signal Change and Clearance Intervals - An Informational Report", Institute of Transportation Engineers, Washington, D.C., August 1994, page 5]

I wonder how many know that our former Secretary of Transportation, Norman Y. Mineta, was also a former VP at Lockheed Martin (D.C. camera contractor), which was also a political contributor to him when he was the Chairman of the House Transportation Committee? Among his other duties before becoming Secretary, he was spokesperson and lobbied Congress for federal automated enforcement authorities.

Do you think he had any influence on the removal of the protections against the cameras, or the removal of due process and the streamlining of fee collection model laws, or the emphasis on automated enforcement and the virtual removal of engineering as a remedy?

Did I also mention that when the new Bush administration was looking for democrats for his Cabinet that VP Cheney headed, that Cheney's wife, Lynn V. Cheney, was on the board of directors of Lockheed Martin?

"We the People" didn't have a chance when it came to automated enforcement. While many are getting in line to milk this cash cow, those at the top that legalized this public theft at the expense of safety and due process have already cashed out – BIG! If you don't think it's about the money, Mr. Mineta's efforts resulted in an 800 million dollar sale, in addition to the LM IMS take on its operation of their camera programs. Here, just one of the "Red Light Camera" businesses was sold for 800 million for the opportunity to offer and run these systems. It's only

about the money and "We the People" have been turned into fodder because of it! It really hits home when an individual becomes a victim, or worse, a family member is killed or injured as a direct consequence of these acts, all committed in the name of \$afety, not safety!

Weekly Standard 5 part series:

<http://www.weeklystandard.com/Content/Public/Articles/000/000/001/078ftoqz.asp?pg=1>

Inside the District's Red Lights

Red-light cameras are all over Washington--and coming to a city near you. The science behind them is bad and the police are using them to make money, not save lives. It's much worse than you thought. Part 1 in a series.

by Matt Labash

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Like the film shot by red-light cameras, photo radar film is sent to a processing center run by Lockheed Martin IMS. Though the weapons manufacturer, whose IMS division was the largest automated enforcement vendor in the nation, sold the division to Affiliated Computer Services for \$800 million, if Lockheed's projections hold, ACS will reap \$44 million from D.C.-generated tickets by 2004 (the city itself will pull in \$117 million). It is at this center that the vendor elves, or "image specialists," not only develop film, but decide which pictures warrant citations. Internal Lockheed documents reveal that their camera's success rate can be as low as 42 percent (other vendors fall as low as 33 percent)--meaning that pictures must be tossed for reasons ranging from "data errors" to "clarity of [license] plate." From there, success rates drop even further. After vendors send out the tickets--which may or may not be subject to police review before being issued, depending on the city--it has been estimated by an Insurance Institute for Highway Safety (IIHS) study that the registered owner of the vehicle--the one ticketed after a vendor matches a plate number to a DMV record--is the actual driver of the car only 72 percent of the time....

However, Morison is not completely unhelpful. He says that during the first eight days of photo radar use last August, 13, 844 highway motorists and 9,574 motorists in residential areas were photographed for potential citations--the equivalent of 4 percent of D.C.'s entire population. To put that in perspective, D.C. police issued only 10,000 speeding tickets in all of 2000. Considering that citations can run up to \$200 a throw, citizens might be forgiven any cynicism regarding Chief Ramsey's statement that automated enforcement "isn't about revenue making, it's about saving lives."

Re: Author of Oxnard study that was called fraud by California Senate Committee:

"...IF THE pro-camera forces don't have the National Highway Traffic Safety Administration's stats, the Federal Highway Administration's research, or the truth on their side, they have something better: the Insurance Institute for Highway Safety's senior transportation engineer and lead red-light-camera proponent, Richard Retting. Retting is a near ubiquitous presence in the debate. Statistics floated by his Institute are unblinkingly regurgitated by journalists, even if no one notices, for instance, that they have variously put the number of annual red-light-running fatalities at 750, 800, or 850 depending on which day you catch them.

The fact that Retting is considered the scientific authority on automated enforcement drives people like Greg Mauz (author of "Camera Enforcement: Developing the Factual

Picture") around the bend, since the Institute is "wholly supported," as its literature explains, by 79 auto insurance companies. "Taking Retting's word on the safety benefits of camera enforcement," say the critics, "is a bit like trusting the Tobacco Institute that smoking increases lung capacity."

Conclusion:

SB 61 would be a bad law. There is no credible benefit whatsoever for the public good, it violates due process, requires an unsafe condition to be maintained for sustenance and it's all about the money, not safety. Moreover, nothing could be added to this Bill that could protect the citizens of Nevada and its visitors alike from abuses of the state.

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