

**Weaver, Lehua**

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**From:** Mumford, Gary  
**Sent:** Friday, November 12, 2004 11:18 AM  
**To:** Weaver, Lehua  
**Subject:** FW: 2005 Legislative Changes

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**From:** Pace, Lynn  
**Sent:** Friday, November 12, 2004 10:36 AM  
**To:** Weeks, Russell; Mumford, Gary; Gust-Jenson, Cindy  
**Cc:** Baxter, DJ; Fluhart, Rocky; Seed, Deeda  
**Subject:** FW: 2005 Legislative Changes

Last Tuesday evening during the legislative briefing, the Council asked for additional information about the items on the Mayor's list. Attached please find position papers which I received from D.J. Baxter earlier this week. After comparing this list to the Mayor's list, it appears that we do not yet have any additional information about the adoption issue or the hate crimes legislation. I will check to see what additional information we may have on those two items.

In addition, the Council also asked for further information about the Airport police 20 year retirement issue, and about the proposed increase in tire recycling fees to fund the relocation of the existing tire recycling plant. I will see what we can gather on those two topics also. If you have any questions, please let me know. Thanks. LHP

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**From:** Baxter, DJ  
**Sent:** Monday, November 08, 2004 12:38 PM  
**To:** Seed, Deeda  
**Cc:** Guevara, Sam; Fluhart, Rocky; Pace, Lynn  
**Subject:** 2005 Legislative Changes

Attached are a summary and supporting materials for the issues the mayor would like us to address in the the 2005 Legislative session. The summary document is called: "2005 Leg Changes.doc"

DJ

# Proposed Legislative Changes

## Utah 2005 Legislature

Proposed by Mayor Rocky Anderson, Salt Lake City

For Consideration by the

Salt Lake County Council of Governments

November 8, 2004

Salt Lake City Mayor Rocky Anderson proposes the Salt Lake County Council of Governments pursue the following legislative items in the 2005 Utah Legislature. Supporting materials for each item follow the brief list below.

1. **Traffic Enforcement Amendments** – Speeding in our communities increases the likelihood and severity of traffic accidents, and running red lights leads to an increasing number of accidents and close calls. We would like the flexibility to use two effective tools – photo speed enforcement and photo red light enforcement – to keep our communities safe.
2. **Bicycle Safety Amendments** – Automobile-bicycle accidents led to 625 cyclist injuries and 5 cyclist deaths in 2001 alone. Driver error causes most accidents, many of which occur when a car is passing a cyclist. The Utah Driver Manual recommends a 3-foot minimum clearance when a car is passing a bicycle. We propose amending Utah law to formalize this requirement.
3. **Clean Air Act amendments regarding second-hand smoke** - An estimated 3,000 American nonsmokers die from lung cancer and 35,000 American nonsmokers die from coronary heart disease every year as a result of exposure to secondhand smoke. The vast majority of Utahns (97%) recognize secondhand smoke is harmful, and most (79%) support banning smoking in private clubs and taverns. Higher numbers support banning smoking in a variety of other public venues. We propose amending the Utah Clean Air act to ban smoking in private clubs and taverns and at mass gatherings.
4. **Alcohol Amendments** – Current law imposes a 600-foot “dead zone” around schools, libraries, and churches in which certain types of liquor licenses will not be issued. Churches and libraries may recommend a waiver of this prohibition, but schools do not have this ability. This greatly hampers revitalization efforts where both schools and liquor establishments are appropriate uses. We propose changes to allow schools to recommend a waiver of this distance requirement to the municipal jurisdiction and the liquor commission.
5. **Gun Violence Amendments** – Between 1988 and 2003, approximately 250 Utah children accidentally shot other Utah children. To keep our communities safe from gun violence, we propose the following changes:
  - a. Enact legislation requiring gun owners to lock their weapons and store them securely;
  - b. Enact legislation holding minors found in possession of guns and those providing minors with guns accountable;
  - c. Enact a state-wide ban on assault weapons;
  - d. Enact legislation requiring better tracking of gun violence statistics.
6. **Living Wage Amendments** – A Utah worker earning minimum wage of \$5.15 per hour would have to work 104 hours per week in order to afford the cost of a two bedroom apartment. Utah law was amended in 2001 to prevent cities and towns from requiring their contractors to pay wages high enough to house and feed a family. We propose removing this restriction, to allow cities and towns to require their contractors to pay fair wages.

7. **Education regarding sex and STDs** – In 2002, 3,579 Utah teenagers gave birth to a child. There are currently 2000 Utah children in foster care. Utah law allows only “abstinence-only” sexual education programs to be taught in public schools. The Legislature recently prohibited the State Office of Education from receiving \$250,000 in Centers for Disease Control Funding for AIDS prevention education in our schools and they cut \$1 million out of the teen pregnancy prevention budget. We propose to reverse the “abstinence-only” policy that is contributing to problems among our school-aged children.
8. **Legislative Interim Study on Health Care** - 18,000 adults in America die every year because they lack health insurance. Women with breast cancer who don't have health insurance are twice as likely to die as those who are covered. Uninsured men are nearly twice as likely to be diagnosed at a late stage of colon cancer as those who are covered. In 2003, approximately 214,000 Utahns lacked health insurance. We propose asking the Legislature to designate the provision of health care for all Utahns as a topic for interim study.
9. **Adoption by Unmarried Couples** – Utah law forbids unmarried persons from adopting a child. This law prevents many of the 2000 Utah children currently in foster care from being adopted into safe, nurturing homes. We propose removal of this restriction, as it has no bearing on the fitness of household to provide a positive, caring environment for an adopted child.

# Proposed Legislative Changes

## Utah 2005 Legislature

Proposed by Mayor Rocky Anderson, Salt Lake City

# Supporting Materials

# **BICYCLE SAFETY:**

## **A Legislative Strategy for Saving Lives and Making Streets Safer**

10/28/2004

**Bicycle safety remains a serious national and local issue.** Young bicyclists and pedestrians are particularly susceptible to accidents: children and teens are harder to see, less experienced at riding than adults, and often face treacherous commutes to school in high volume traffic. The high number of bicycle-auto injuries that occur in Utah annually discourages many from bicycling to and from work, cycling to access recreation and trail areas, and cycling for leisure along municipal and state roadways.

Making cycling safer would spare lives, reduce medical expenses, and promote public health by encouraging athletic transportation.

Through education and facility improvements—such as bike lanes, sidewalks, timed signal lights, and traffic calming measures—bicycle-traffic accidents have declined in recent years nationally and in Utah. Still, bicycle safety remains a challenge:

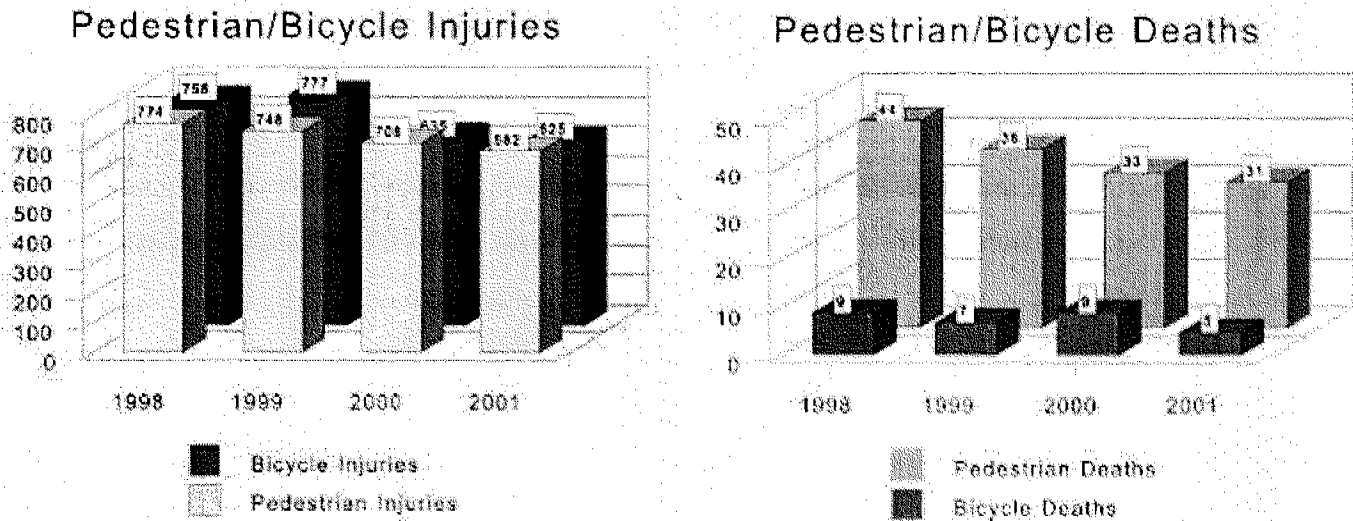
- In the US in 2003, 622 bicyclists were killed in auto collisions and more than 42,000 were injured.<sup>i</sup> Figure 1 shows a downward trend in the number of pedestrian and bicycle accidents from 1993-2003 nationally<sup>ii</sup> :

**Figure 1: Nonoccupant Traffic Fatalities in the United States, 1993-2003**

Year	Pedalcyclist	Pedestrian	Other	Total
1993	816	5,649	111	6,576
1994	802	5,489	107	6,398
1995	833	5,584	109	6,526
1996	765	5,449	154	6,368
1997	814	5,321	153	6,288
1998	760	5,228	131	6,119
1999	754	4,939	149	5,842
2000	693	4,763	141	5,597
2001	732	4,901	123	5,756
2002	665	4,851	114	5,630
2003	622	4,749	140	5,511

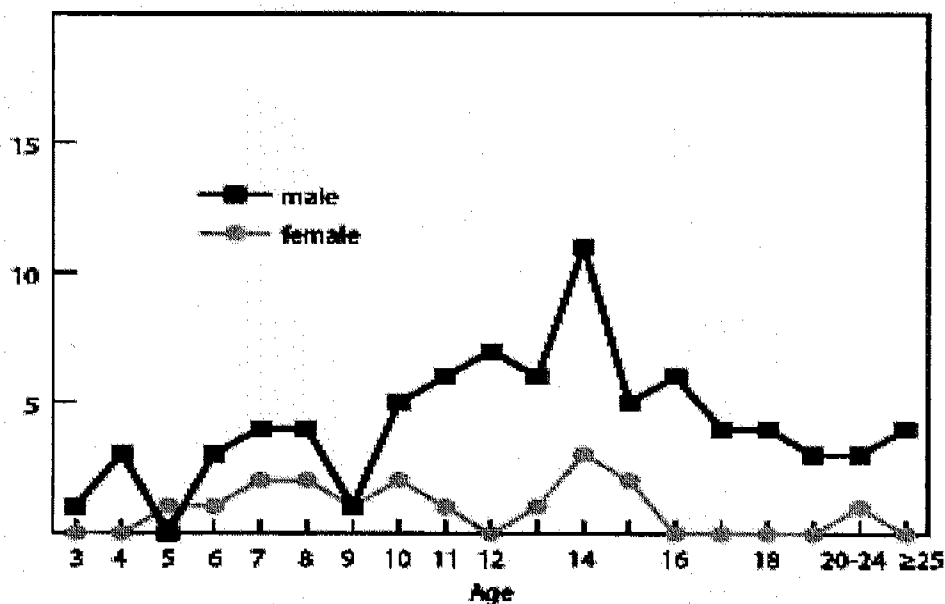
- In Utah in 2001, more than 600 cyclists were injured in traffic collisions<sup>iii</sup>.
- Figures 2 and 3 demonstrate bicycle and pedestrian accident trends in Utah from 1998 to 2001: while a small number of bicyclists were killed, a far greater number were injured<sup>iv</sup>.

**Figures 2 and 3: Pedestrian and Bicycle Accidents in Utah, 1998-2001**



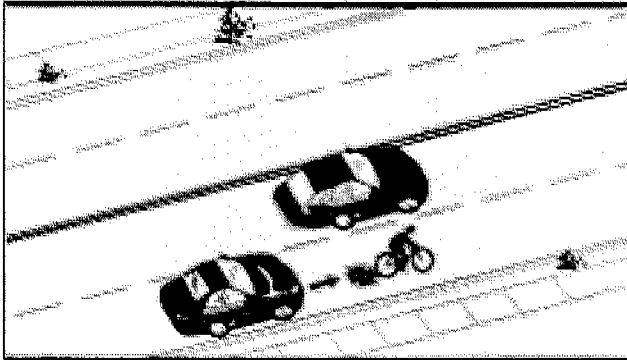
**Nonoccupant injuries are not equally distributed among age groups;** the young and old are particularly susceptible. Since children are more likely to walk and bike than seniors, statistical trends indicate that the age group at highest risk is between 11 and 16 years old. Figure 3 shows this heightened vulnerability in the form of US deaths per million people.<sup>v</sup>

**Figure 4: Bicycle Deaths per Million, 2002**





**Auto occupant error is the most frequent cause of bicycle traffic accidents<sup>vi</sup>.** Often, drivers fail to see bicyclists, or do not give them ample room while passing:



**Figure 5:** Sketch of a driver miscalculating the minimum distance required to pass a cyclist. Even if the bicyclist is not directly impacted, he or she may overcorrect as an evasive measure and wreck consequently.

The Utah driver's manual recognizes a **3-foot minimum clearance** for passing bicycles.<sup>vii</sup> At present, however, there is no law formalizing a minimum auto occupant overtaking clearance. Several states, including Arizona, Wisconsin, Minnesota, and Colorado have state minimum-clearance legislation on the books.

- Arizona state law (28-735) states: *When overtaking and passing a bicycle proceeding in the same direction, a person driving a motor vehicle shall exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three feet until the motor vehicle is safely past the overtaken bicycle.* ”
- A state law to this effect has three virtues.
  - ♦ It clearly stipulates a minimum passing distance for drivers to observe;
  - ♦ It provides penalties for cyclist accidents demonstrably caused by violation of this by a driver; and
  - ♦ It publicly shows that a state is serious about bicycle safety and willing to take legislative measures toward this end.

**The Utah legislature should pass a 3-foot minimum clearance law and formalize the de facto rule stated in the state driver's manual.**

# APPENDIX: Cyclist Traffic Fatalities and Fatality Rates by State, 2003<sup>viii</sup>

State	Total Traffic Fatalities	Resident Population (thousands)	Pedalcyclist Fatalities	Percent of Total	Pedalcyclist Fatalities per Million Population
Alabama	1,001	4,601	12	1.2	2.67
Alaska	95	648	4	4.2	6.17
Arizona	1,120	5,581	18	1.4	2.87
Arkansas	627	2,728	1	0.2	0.37
California	4,215	35,484	108	2.5	2.99
Colorado	632	4,551	3	0.5	0.68
Connecticut	294	3,483	2	0.7	0.57
Delaware	142	817	1	0.7	1.22
District of Columbia	67	583	0	0.0	0.00
Florida	3,189	17,919	101	3.2	5.93
Georgia	1,603	8,685	18	1.1	2.07
Hawaii	135	1,258	8	4.4	4.77
Idaho	293	1,386	2	0.7	1.48
Illinois	1,453	12,654	17	1.2	1.34
Indiana	634	6,198	7	0.8	1.13
Iowa	441	2,944	3	0.7	1.02
Kansas	471	2,724	5	1.1	1.84
Kentucky	928	4,118	5	0.5	1.21
Louisiana	894	4,498	10	1.1	2.22
Maine	207	1,308	1	0.5	0.77
Maryland	649	5,508	7	1.1	1.27
Massachusetts	462	6,433	11	2.4	1.71
Michigan	1,283	10,080	32	2.5	3.17
Minnesota	657	5,059	8	0.9	1.19
Mississippi	871	2,881	8	0.9	2.78
Missouri	1,232	5,704	9	0.7	1.58
Montana	282	918	2	0.8	2.18
Nebraska	293	1,739	2	0.7	1.15
Nevada	368	2,241	10	2.7	4.48
New Hampshire	127	1,288	2	1.6	1.55
New Jersey	747	8,838	11	1.5	1.27
New Mexico	439	1,875	3	0.7	1.80
New York	1,491	18,190	37	2.5	1.93
North Carolina	1,531	8,407	19	1.2	2.26
North Dakota	105	634	0	0.0	0.00
Ohio	1,277	11,438	8	0.6	0.70
Oklahoma	668	3,512	3	0.4	0.85
Oregon	512	3,580	8	1.6	2.25
Pennsylvania	1,577	12,385	20	1.3	1.82
Rhode Island	104	1,078	1	1.0	0.93
South Carolina	968	4,147	12	1.2	2.89
South Dakota	203	784	1	0.5	1.31
Tennessee	1,193	5,842	4	0.3	0.68
Texas	3,875	22,118	49	1.3	2.22
Utah	309	2,351	2	0.6	0.85
Vermont	69	619	1	1.4	1.82
Virginia	943	7,388	10	1.1	1.35
Washington	600	6,131	10	1.7	1.63
West Virginia	394	1,810	1	0.3	0.55
Wisconsin	848	5,472	12	1.4	2.19
Wyoming	165	501	1	0.6	2.00
U.S. Total	42,843	290,810	622	1.5	2.14
	493	3,879	14	2.8	3.61

Note: Totals may not equal sum of components due to independent rounding.

Sources: Fatalities — Fatality Analysis Reporting System, NHTSA. Population — Bureau of the Census.

<sup>i</sup> US Department of Transportation, National Highway Traffic Safety Administration. *Traffic Safety Facts, Pedalcyclists*. DOT HS 809 768: 2003. p.2

<sup>ii</sup> *Ibid*, p. 2

<sup>iii</sup> Department of Public Safety, Utah Highway Safety Office. *2002 Annual Report*: 2002. Available: <http://publicsafety.utah.gov/2002report/highwaysafety.htm>

<sup>iv</sup> *Ibid* p.1

<sup>v</sup> Insurance Institute for Highway Safety. *Fatality Facts: Bicycles 2002*. Available: [http://www.iihs.org/safety\\_facts/fatality\\_facts/bikes.htm#](http://www.iihs.org/safety_facts/fatality_facts/bikes.htm#)

<sup>vi</sup> Pedestrian and Bicycle Information Center. *Bicycling Crashes, Crash Types*: 2001. . Available: <http://www.bicyclinginfo.org/bc/types.htm>

<sup>vii</sup> Utah Department of Public Safety, Driver's License Division. *Utah Driver's Manual*: 2004. p. 52. available: <http://driverlicense.utah.gov/pdf/dlhandbk.pdf>

<sup>viii</sup> US Department of Transportation, National Highway Traffic Safety Administration. *Traffic Safety Facts, Pedalcyclists*. DOT HS 809 768: 2003. p.4

# **CLEAN AIR:**

## **A Legislative Strategy To Eliminate Smoking In Private Clubs and Mass Gatherings**

10/28/2004

**Second hand smoke, or environmental tobacco smoke (ETS), is a major health hazard.**

ETS has been found to contain thousands of chemicals that are poisonous, toxic, and carcinogenic. Second hand smoke has been linked with greatly increased risks of heart disease and lung cancer, and is especially dangerous for children.

- An estimated 3,000 lung cancer deaths and 35,000 coronary heart disease deaths occur annually among adult nonsmokers in the United States as a result of exposure to secondhand smoke<sup>i</sup>.
- Approximately 60% of people in the United States have evidence of secondhand smoke exposure<sup>ii</sup>.
- Second hand smoke contains upwards of 4,000 chemicals, more than 50 of which are carcinogenic<sup>iii</sup>.
- Figures 1 and 2 demonstrate the health effects of second hand smoke and the chemicals found in cigarette smoke<sup>iv</sup>.

**Figure 1: Health Effects Associated With ETS Exposure**

<b>Developmental Effects</b>	<ul style="list-style-type: none"><li>• Low birth weight or small for gestational age</li><li>• Sudden Infant Death Syndrome (SIDS)</li></ul>
<b>Respiratory Effects</b>	<ul style="list-style-type: none"><li>• Acute lower respiratory tract infections in children</li><li>• Asthma induction and exacerbation in children</li><li>• Chronic respiratory symptoms in children</li><li>• Eye and nasal irritation in adults</li><li>• Middle ear infections in children</li></ul>
<b>Carcinogenic Effects</b>	<ul style="list-style-type: none"><li>• Lung Cancer</li><li>• Nasal Sinus Cancer</li><li>• Throat and Mouth Cancer</li></ul>
<b>Cardiovascular Effects</b>	<ul style="list-style-type: none"><li>• Heart disease mortality</li><li>• Acute and chronic coronary heart disease morbidity</li></ul>

**Figure 2: Short List of Chemical Substances Found in Cigarette Smoke**

4-Aminobiphenyl  
Arsenic  
Benzene  
Chromium VI  
2-Naphthylamine  
Nickel  
Vinyl chloride  
Acetaldehyde  
Acetamide  
Acrylonitrile  
o-Anisidine  
Cadmium  
DDT  
1,1-Dimethylhydrazine  
Formaldehyde  
Lead  
2-Nitropropane  
Ammonia  
Carbon monoxide  
Acetone  
Hydrogene cyanide  
Phenol

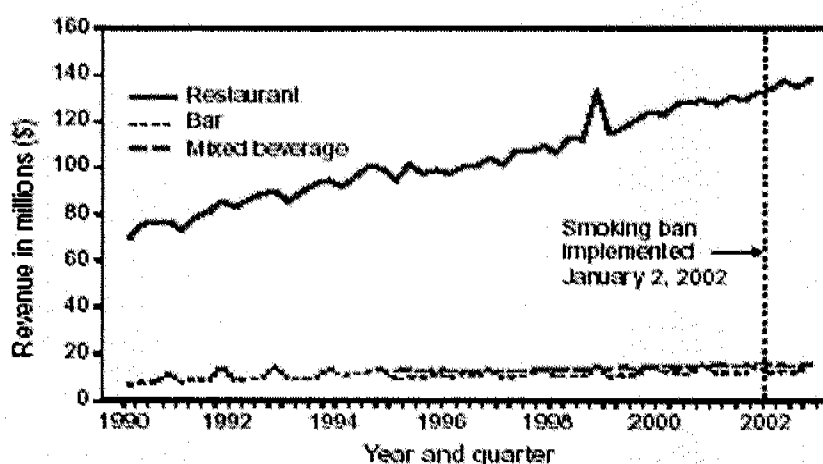
**Utah has been one of the most progressive states in restricting smoking in public establishments and workplaces.** The Utah Clean Air Act (Utah Code Ann. § 28-36-1-9), which went into effect in 1995, restricts smoking in “enclosed indoor places of public access and publicly owned buildings and offices” with the exceptions of taverns, private clubs, and other special separated areas. The Utah Clean Air Act and other anti-smoking campaigns have met with great success:

- Since 2000, the number of adult smokers in Utah has dropped by 15 percent, or 15,000 individual smokers<sup>v</sup>;
- Smoking among high school students also decreased from 11.9 percent in 1999 to 7.3 percent in 2003, or 5,000 fewer individual smokers<sup>vi</sup>; and
- Nationally, Utah had one of the lowest rates of smoking in 2000 (see appendix 2)

**Despite Utah’s progressive record, second hand smoke remains a health hazard in public gatherings, taverns, and private clubs.** Tobacco use claims the lives of 1,200 Utahns annually, and is responsible for \$587 million annually in smoking-related medical costs and \$93 million in smoking-attributable Medicaid expenditures<sup>vii</sup>.

- In 1998, California amended its anti-smoking law to extend to bars and gaming clubs. Despite concerns that the smoking ban would negatively impact business, taxable annual sales for bars rose 6% in 1998 and 8% in 1999.<sup>viii</sup>
- Many municipalities have enacted similar smoking bans. Some examples include: New York City, El Paso, TX, and Tempe, AZ.
- An intensive study of the economic impact of the 2002 smoking ban in El Paso, TX, revealed that the ban had a negligible effect on bar and restaurant sales. Figure 3 at right illustrates this conclusion<sup>ix</sup>.

**Figure 3: Restaurant, bar, and mixed beverage revenues, before and after implementation of smoking ban, by quarter**  
 --El Paso, Texas, 1999-2002



- While municipal-level smoking bans are positive steps, a state-wide ban would eliminate disparities and, therefore, possible disadvantages that could arise across city or county boundaries.

**Utahns strongly support smoke-free policies<sup>x</sup>:**

- 79% of Utahns would support a law banning smoking in bars and private clubs
- 97% believe secondhand smoke is harmful
- 86% are bothered by other people's smoke
- 88% support smoking restrictions in parks
- 91% support smoking restrictions at outdoor sports venues
- 92% support smoking restrictions at zoos and amusement parks

**The Utah legislature should amend the Utah Clean Air Act of 1994 to prohibit smoking in private clubs and taverns and at mass gatherings.** The Clean Air Act has been very successful, and the time has arrived to broaden its application to the excepted establishments and mass gatherings. Taking this next step would show Utah's commitment to workers and customers everywhere, and save some of the 1,200 who die annually in Utah from tobacco-related cancer and disease.

## Appendix 1: State Laws Restricting Smoking

	Arts/ Cultural Facilities	Child Care Centers	Elevators	Gov't Buildings	Gym Arenas	Health Facilities	Jury Court- Rooms	Public Meetings	Public Transit	Restaurants	Restrooms	Retail/ Grocery Stores	Schools	Private Workplaces
Alabama	V	V	V	V	V	V	V	V	V	N	V	V	V	R
Alaska	R	P	P	R	R	R	R	R	R	R	N	R	P	R
Arizona	R	N	R	R	N	R	N	N	R	N	N	N	P	N
Arkansas	N	P	N	R	N	R	N	N	N	N	N	N	P	N
California	P	P	P	P	P	P	N	P	P	P	N	P	P	P
Colorado	P	P	P	R	R	R	N	N	R	N	N	N	P	N
Connecticut	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Delaware	P	P	P	P	P	P	P	P	P	P	P	P	P	P
District of Columbia	N	R	P	R	N	R	N	P	P	R	N	N	R	R
Florida	P	P	P	P	P	P	R	P	P	P	P	P	P	P
Georgia	N	P	P	N	N	N	N	N	P	N	N	N	N	N
Hawaii	P	P	P	R	R	R	N	P	N	R	R	R	P	N
Idaho	P	P	P	P	P	P	N	P	P	R	P	P	P	R
Illinois	R	P	R	R	R	R	N	R	R	R	R	R	P	R
Indiana	N	R	N	R	N	R	N	N	N	N	N	N	R	N
Iowa	R	N	P	R	R	R	N	R	R	R	R	R	R	R
Kansas	R	P	P	R	R	R	R	R	P	R	R	R	P	N
Kentucky	N	N	N	R	N	N	N	N	N	N	N	N	R	N
Louisiana	R	P	P	N	R	R	N	R	P	N	N	N	P	N
Maine	P	P	P	R	P	V	P	P	P	P	P	P	R	R
Maryland	N	V	P	P	N	V	N	N	P	R	N	V	P	V
Massachusetts	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Michigan	R	P	P	R	R	R	N	R	R	R	N	R	P	N
Minnesota	R	P	P	P	R	R	R	R	R	R	R	R	P	R
Mississippi	N	N	N	R	N	N	N	N	P	N	N	N	P	N
Missouri	R	P	R	R	R	R	N	R	R	R	R	R	P	R
Montana	P	P	P	R	R	R	N	R	P	R	N	R	R	R
Nebraska	N	P	N	R	R	R	N	R	R	R	N	R	R	R
Nevada	N	R	P	R	R	R	N	N	R	R	N	R	R	N
New Hampshire	R	P	P	R	R	R	N	R	P	R	N	R	P	R
New Jersey	R	R	P	R	N	R	N	P	P	N	N	P	R	R
New Mexico	N	N	N	R	N	N	N	R	N	N	N	N	P	N
New York	P	P	P	P	P	P	N	P	P	P	P	P	P	P
North Carolina	N	N	N	R	N	N	N	N	N	N	N	N	P	N
North Dakota	R	P	R	R	R	R	N	N	R	R	N	N	R	N

Ohio	R	V	R	R	R	R	N	N	R	N	N	N	R	N
Oklahoma	P	P	P	P	P	P	P	P	P	R	P	P	P	P
Oregon	P	P	P	P	P	P	P	P	P	R	P	P	P	P
Pennsylvania	R	N	N	R	R	R	N	N	P	R	N	N	R	R
Rhode Island	R	P	P	R	N	R	N	R	P	R	N	R	P	R
South Carolina	R	P	P	R	R	R	N	N	P	N	N	N	R	N
South Dakota	P	P	P	P	P	P	P	P	P	R	P	P	P	P
Tennessee	R	R	N	N	N	R	N	N	N	N	N	N	P	N
Texas	R	P	R	N	N	R	N	N	R	N	N	N	R	N
Utah	P	P	P	P	P	R	P	N	P	P	P	P	R	R
Vermont	P	P	P	R	P	R	P	N	P	R	P	P	P	R
Virginia	N	R	P	R	R	R	N	N	N	R	N	R	R	N
Washington	R	V	P	V	R	R	N	P	P	R	R	R	P	V
West Virginia	N	N	N	N	N	N	N	N	N	N	N	N	R	N
Wisconsin	R	P	R	R	N	R	N	N	R	R	N	R	P	R
Wyoming	N	N	N	R	N	N	N	N	N	N	N	N	N	N

R=Restriction Required; P=Smoking Prohibited; V=Enclosed ventilated areas required, or smoking is banned entirely; N=None



**Appendix 2: Prevalence of Current Cigarette Smoking Among Adults, by area and sex—Behavioral Risk Factor Surveillance System, United States, 2000**

Area	Men	Women	Total
	% (95% CI) <sup>1</sup>	% (95% CI)	% (95% CI)
Alabama	29.0 (+3.8)	22.0 (+2.5)	25.3 (+2.2)
Alaska	26.8 (+4.1)	23.1 (+3.6)	25.0 (+2.8)
Arizona	18.4 (+4.4)	18.8 (+4.6)	18.6 (+3.1)
Arkansas	26.2 (+2.9)	24.2 (+2.2)	25.2 (+1.8)
California	20.1 (+2.4)	14.4 (+1.6)	17.2 (+1.5)
Colorado	19.5 (+2.9)	20.6 (+2.7)	20.1 (+2.0)
Connecticut	20.5 (+2.4)	19.5 (+1.8)	20.0 (+1.5)
Delaware	25.8 (+3.4)	20.3 (+2.6)	23.0 (+2.1)
District of Columbia	22.1 (+3.6)	19.9 (+2.7)	20.9 (+2.2)
Florida	24.5 (+2.1)	22.1 (+1.7)	23.2 (+1.4)
Georgia	26.5 (+2.7)	21.0 (+2.0)	23.6 (+1.7)
Hawaii	22.9 (+2.2)	16.5 (+1.7)	19.7 (+1.4)
Idaho	22.9 (+2.1)	21.9 (+1.8)	22.4 (+1.4)
Illinois	24.9 (+2.5)	20.0 (+1.9)	22.3 (+1.6)
Indiana	28.5 (+2.8)	25.5 (+2.4)	27.0 (+1.8)
Iowa	25.9 (+2.6)	20.9 (+2.1)	23.3 (+1.7)
Kansas	24.2 (+2.3)	18.2 (+1.7)	21.1 (+1.4)
Kentucky	33.4 (+2.5)	27.9 (+2.0)	30.5 (+1.6)
Louisiana	26.7 (+2.2)	21.8 (+1.6)	24.1 (+1.4)
Maine	24.6 (+3.4)	23.1 (+2.7)	23.8 (+2.2)
Maryland	22.0 (+2.4)	19.2 (+1.8)	20.6 (+1.5)
Massachusetts	20.2 (+1.7)	19.8 (+1.4)	20.0 (+1.1)
Michigan	26.0 (+2.9)	22.5 (+2.5)	24.2 (+1.9)
Minnesota	20.7 (+2.5)	18.9 (+2.2)	19.8 (+1.7)
Mississippi	25.3 (+3.4)	21.9 (+2.8)	23.5 (+2.2)
Missouri	30.1 (+3.1)	24.6 (+2.2)	27.2 (+1.9)
Montana	18.0 (+2.7)	19.7 (+2.4)	18.9 (+1.8)
Nebraska	22.1 (+2.6)	20.7 (+2.2)	21.4 (+1.7)
Nevada	28.7 (+3.6)	29.5 (+4.2)	29.1 (+2.8)
New Hampshire	26.9 (+3.7)	23.9 (+2.9)	25.4 (+2.3)
New Jersey	23.5 (+2.5)	18.6 (+1.8)	21.0 (+1.5)
New Mexico	26.2 (+2.6)	21.2 (+2.2)	23.6 (+1.7)
New York	22.5 (+2.6)	20.9 (+2.0)	21.6 (+1.6)
North Carolina	28.4 (+3.2)	24.1 (+2.3)	26.1 (+1.9)
North Dakota	25.9 (+3.3)	20.7 (+2.7)	23.3 (+2.1)
Ohio	26.7 (+3.5)	26.0 (+2.8)	26.3 (+2.2)
Oklahoma	23.7 (+2.4)	23.0 (+2.1)	23.3 (+1.6)
Oregon	22.3 (+2.4)	19.3 (+1.9)	20.8 (+1.5)
Pennsylvania	25.4 (+2.7)	23.3 (+2.0)	24.3 (+1.6)
Puerto Rico	16.8 (+2.6)	9.9 (+1.6)	13.1 (+1.5)
Rhode Island	23.8 (+2.6)	23.2 (+2.1)	23.5 (+1.7)
South Carolina	28.5 (+3.2)	21.3 (+2.3)	24.7 (+1.9)
South Dakota	22.6 (+2.1)	21.4 (+1.7)	22.0 (+1.4)
Tennessee	27.7 (+3.1)	23.8 (+2.1)	25.7 (+1.8)
Texas	25.3 (+2.1)	18.8 (+1.5)	22.0 (+1.3)
Utah	14.5 (+2.5)	11.4 (+2.0)	12.9 (+1.6)
Vermont	21.8 (+2.5)	21.2 (+2.1)	21.5 (+1.6)
Virginia	24.4 (+3.4)	18.8 (+2.5)	21.5 (+2.1)
Washington	21.7 (+2.4)	19.7 (+1.9)	20.7 (+1.5)
West Virginia	27.8 (+3.1)	24.7 (+2.4)	26.1 (+1.9)
Wisconsin	24.4 (+2.8)	23.9 (+2.4)	24.1 (+1.8)
Wyoming	23.2 (+3.8)	24.3 (+2.8)	23.8 (+1.9)

\*Persons aged  $\geq 18$  years who reported having smoked  $\geq 100$  cigarettes and who reported smoking every day or some days.

<sup>1</sup> Confidence interval.

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<sup>i</sup> National Center For Chronic Disease Prevention and Health Promotion, Tobacco Information and Prevention Source. *Secondhand Smoke Fact Sheet, February 2004*. Available: [http://www.cdc.gov/tobacco/factsheets/secondhand\\_smoke\\_factsheet.htm](http://www.cdc.gov/tobacco/factsheets/secondhand_smoke_factsheet.htm)

<sup>ii</sup> *Ibid.*

<sup>iii</sup> *Ibid.*

<sup>iv</sup> For Figure 1, See: National Cancer Institute. *Environmental Tobacco Smoke*: 2001. Available: [http://cis.nci.nih.gov/fact/3\\_9.htm](http://cis.nci.nih.gov/fact/3_9.htm); For Figure 2, See: National Clearinghouse on Tobacco and Health Program. *Harmful Ingredients in Cigarette Smoke*: 2001. Available: [http://www.ncth.ca/NCTH\\_new.nsf](http://www.ncth.ca/NCTH_new.nsf)

<sup>v</sup> Hamilton, Carey and DeHerrera, Julie. "Utah's smoking rate among adults drops to less than 12 percent." *Salt Lake Tribune*, 16 September 2004.

<sup>vi</sup> *Ibid.*

<sup>vii</sup> *Ibid.*

<sup>viii</sup> BREATH. California Tobacco Tax Initiative Brochure. *California Statewide Workplace Smoking Restriction*; date unavailable.

<sup>ix</sup> "Impact of a Smoking Ban on Restaurant and Bar Revenues --- El Paso, Texas." *MMWR Weekly*, 53(07);150-152: February 27, 2004.

<sup>x</sup> Utah Department of Health: Tobacco Prevention and Control Program. *Tobacco Prevention and Control In Utah, Fourth Annual Report*: 2004. Available: <http://www.tobaccofreeutah.org>

## **Keeping Our Communities Safe from Gun Violence**

### **Overview**

According to information provided by The Gun Violence Prevention Center of Utah, **approximately 250 unintentional shootings of children by children occurred in Utah between 1988 and 2003, or about 16 per year.** These numbers, based on newspaper accounts of shootings, are approximate because government agencies do not keep specific data regarding the number of children involved in shootings. Regardless of how the data is collected, the unavoidable fact is that children - often very young children - are dying in our community because they have access to guns.

### **How can we keep our community safe from gun violence?**

Our state's laws with regard to guns are prime examples of unbalanced legislation. Gun owners are favored by state law which requires little in the way of responsibility from them.

#### **1) Enact legislation requiring gun owners to lock their weapons and store them securely**

Gun owners whose unlocked weapons fall into the hands of children must be held legally responsible. According to a report by the Gun Violence Prevention Center, in the instances where children got access to a firearm, victims were as young as three years old and the average age of the child that was shot was 11.7 years old. The average age of the child firing the gun was 12.4 years, with the youngest being three years old. Forty-three percent of the children were shot in their own homes and 40 percent were shot at the home of a friend or neighbor. Children were most often shot by a friend (60%), a close relative (24%), or by themselves (16%). If Utah passed, as many other states have, a child access prevention law, the frequency of child injuries and deaths from accidental gun shots could be decreased.

#### **2) Minors found in possession of guns and those providing minors with guns must be held accountable.**

In addition to not holding gun owners accountable for their weapons, state law also does not hold minors accountable for possession of a handgun, which is classified only as a class B misdemeanor (Utah Code 76-10-509).

Furthermore, providing a handgun to a minor is merely a class B misdemeanor (Utah Code 76-10-509.5), as is a parent or guardian knowing of a minor's possession of a handgun (Utah Code 76-10-509.7). Allowing weeds to grow too high and littering are also class B misdemeanors. These gun offenses, which place our community's safety and security at risk, should be at least third degree felonies. The criminal classification should fit the significant adverse impact on the community.

### **3) The state of Utah should adopt a state-wide ban on assault weapons.**

The Federal Assault Weapons Act was effective. During the period of its enactment, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reported a drop of 66% in the number of assault weapons traced to crime.<sup>1</sup> ATF data also show a year-to-year decline in the percentage of assault weapons traced during the ban, suggesting that the longer the ban was in effect, the less available these weapons became.<sup>2</sup> Tragically, Congress has let the ban expire. Once again, semi-automatic weapons, which are essentially highly efficient killing machines capable of holding large-capacity magazines and allowing someone to fire 150 rounds without having to reload, are available for purchase. Who will buy these assault weapons? Obviously some of the purchasers will be gun aficionados, but clearly, others will buy them for their intended use as weapons of terror. One such purchaser was Patrick Edward Purdy, who in 1989 used an AK-47 to fire over 100 rounds into a school yard in California, killing 5 children and wounding 29 others; another was of Gian Ferri, who using two TEC-DC9s, opened fire in an office tower killing 8 people and wounding 6 more; and another was Joseph Wesbecker, who used an AK-47 and two MAC-11 assault pistols to kill seven people and wound 13 others.<sup>3</sup> Assault weapons, should not be available to the general public.

### **4) Utah must keep better track of gun violence statistics – specifically in instances involving children.**

The problem with our city, state, and nation's lack of gun control laws becomes very apparent when one compares data from other economically developed, democratic nations, with stricter gun control laws, and lower rates of gun ownership. For example, the United States has a murder rate

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<sup>1</sup> Brady Center to Prevent Gun Violence, *On Target: The Impact of the 1994 Federal Assault Weapons Act*, 2004. Page 2

<sup>2</sup> Ibid.

<sup>3</sup> Ibid. Page 3

which is nearly five times higher than the average European nation, and three times greater than Australia and Canada. The percentage of households in the U.S. with any type of gun is three times greater than in the typical European country and twice as high as that of Australia and Canada.<sup>4</sup>

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<sup>4</sup> Carter, Greg Lee, *Sociology by the Numbers: Gun Violence and Gun Control*, Pearson Education Inc., 2004.

## **Studying the Potential for a Single-Payer Health Care Plan in Utah**

### **Overview**

We live in one of the wealthiest nations in the world, yet more than 44 million of our citizens are without access to health insurance, including 8.5 million children.

The reasons for lack of health insurance are varied, from being self-employed and unable to afford the cost of health insurance, to working for employers who don't provide health insurance, to being unemployed but not poor enough to qualify for Medicaid. There are numerous ways to fall into the ranks of the uninsured.

Without health insurance, the cost of even basic preventive health services such as prenatal care, well child check-ups and cancer screenings is prohibitive. Many of the uninsured go without preventive care, waiting until a health disaster strikes before seeking assistance, and then often facing bills that bankrupt them.

The Institute of Medicine has estimated that 18,000 adults in America die every year because they are uninsured. Women with breast cancer who don't have health insurance are twice as likely to die as those who are covered. Uninsured men are nearly twice as likely to be diagnosed at a late stage of colon cancer as those who are covered.

The rising cost of health care is hitting all sectors of our economy. Even city government is feeling the impact. The cost to Salt Lake City Corporation of providing employee benefits has risen 59.5% since 1998, primarily due to the increase in health care costs. In 2003, employers across the nation faced average premium increases of 13.9 percent for private health insurance.

The Utah Department of Health estimates that during 2003, the last year for which complete data are available, that approximately 214,000 Utahns were without health insurance. The main reason cited for being without health insurance was "can't afford it".

## **The Solution**

As a nation we can do more to provide all of our citizens access to basic, quality health care services. To accomplish this will require the political courage to stand up to those in the health care industry resistant to change. Creation of a system that provides access to health care for all Americans could best be accomplished by developing a single payer system.

A single payer system is better for patients and better for doctors. Canada, which has a single payer system, spends \$1000 less per capita on health care than the U.S., but delivers more care and greater choice for patients. Combining the single payer efficiency of Canada's system with the much higher funding of ours would yield better care than Canada's or ours at present. (Source: Physicians for A National Health Program)

**The Utah Legislature should assign to interim study, discussion of a single payer health care system for Utahns, similar to the type being discussed in California.** The California plan, proposes to provide comprehensive health benefits to every Californian at no new cost to California's general fund. The California single payer plan would create a single, streamlined reimbursement system for medical care in California that has been projected to save the state about \$14 billion dollars in administrative healthcare costs alone. These and other substantial savings make it possible to insure every resident of California with a comprehensive health plan that would include medical, dental, vision, mental health and prescription drug coverage among benefits.

Because the plan would cover every Californian, it would offer each patient the freedom to choose among all healthcare providers. Healthcare provision would remain subject to competition and in private hands. The legislation would also require the State of California to use its purchasing power to negotiate directly with pharmaceutical companies to buy prescription drugs in bulk, thus drastically lowering their cost.

We can no longer afford our current health care delivery system. A single payer system would increase health care coverage to all Utahns, would create greater efficiency in our health care system and would result in a healthier population. Now is the time to stand up to those who continue to

gain from the inefficiency of our current system – the insurance companies, enormous hospital chains and pharmaceutical companies that comprise the new health care oligarchy, and create a fair, efficient, single payer health care system for Utah.



## The Right of all Utahns to Earn a Living Wage

### Overview

In 2001, the Utah Legislature approved Senate Bill 138, which modified

...the Utah Minimum Wage Act **to prohibit cities, towns and counties from establishing a minimum wage rate** that exceeds the federal minimum wage rate. The act prohibits cities, towns and counties from requiring that a person contracting with the city, town or county pay its employees a minimum wage that exceeds the federal minimum wage.

The practical effect of this legislation is to prevent local governments from using a tool that would effectively decrease the number of citizens trying to support families on wages below poverty levels. Salt Lake City adopted an administrative rule that encourages contractors to pay a living wage of \$9.06 per hour to employees, plus medical insurance coverage – but because of the state law passed in 2001, Salt Lake City is unable to *require* that contractors pay this wage. The wage we have chosen as our living wage - \$9.06, is just enough to bring a family of four above the official federal poverty line of \$18,850 per year.

The living wage issue is of critical importance to families throughout Utah and Salt Lake City, many of whom can not afford the fair market rent for a two bedroom apartment which in 2003 was \$694 per month.

The federal government defines housing affordable if families spend no more than 30% of their income on housing costs – leaving the other 70% of income for food, child care, health care, transportation and other necessities of life.

According to a report prepared by the National Low Income Housing Coalition (Out of Reach 2003) a Utah worker earning minimum wage of \$5.15 per hour would have to work **104 hours per week** in order to afford the cost of a two bedroom apartment. These numbers demonstrate why so many parents are leaving their children home alone – because in two-parent families earning low-wages, both parents have to work just to keep a roof over their heads and food on the table.

In low wage working families with young children, the situation becomes even more desperate as they struggle to pay the costs of child care, which can be as much as \$500 per month for a child under 2 years of age.

**The Solution:**

The federal minimum wage needs to be increased from \$5.15 per hour. According to a report by the Economic Policy Institute, the value of the minimum wage, when adjusted to 2003 dollars has declined 24.5% over the last 24 years. However, Utahns should not be forced to wait for the federal minimum wage rate to increase. People who work should not be forced to live in poverty. They should be able to afford food and shelter and they should have access to affordable health care. Therefore, the Utah Legislature should restore to local governments the right to require of their contractors a fair wage and benefit package. The public funds cities expend on contractors should not be used in ways that only worsen poverty in our communities.

## **Protecting Young People from Unintended Pregnancy and Sexually Transmitted Diseases**

### **Overview**

In Utah, instead of being able to provide accurate, comprehensive information to young people regarding sexuality and reproductive health, we are forced by “abstinence only” rules to omit critical, potentially life-saving information.

In recent years the Utah Legislature has supported for a policy of ignorance when it comes to providing young people information about AIDS and pregnancy prevention. They have prohibited the State Office of Education from receiving \$250,000 in Centers for Disease Control Funding for AIDS prevention education in our schools and they cut \$1 million out of the teen pregnancy prevention budget.

If all Utahns of reproductive age, and teenagers in particular, were fully aware of contraceptive options, we wouldn't have 3,579 adolescents between the ages of 15 and 19 giving birth in Utah – as we did in 2002. Perhaps all children who were born would be wanted and planned for, and we wouldn't be faced with over 2,000 children in the Utah foster care system every year, as is currently the case. Perhaps there wouldn't be 6,952 cases of child abuse reported in Utah. Perhaps there wouldn't be over half a million children in this nation in foster care.

### **The Solution**

The Utah Legislature needs to restore the \$250,000 in Centers for Disease Control funding for AIDS prevention education and restore the \$1 million removed from the teen pregnancy prevention budget. The Legislature also needs to reverse the State-imposed “abstinence-only” requirement, and allow individual school districts to make their own decisions about what courses to offer.

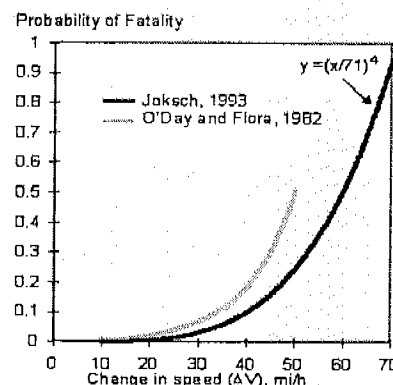
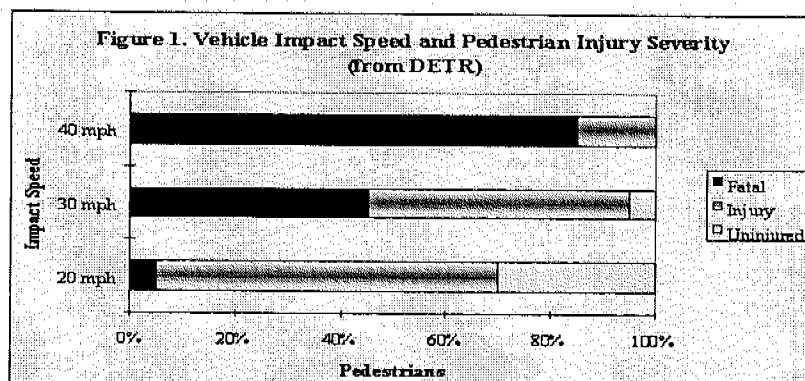
**THE EFFECTIVENESS OF  
AUTOMATED TRAFFIC ENFORCEMENT  
IN REDUCING SPEEDING  
AND RED LIGHT RUNNING:**

A Cost Effective Strategy for Saving Lives  
and Creating Safer Streets

9/23/2004

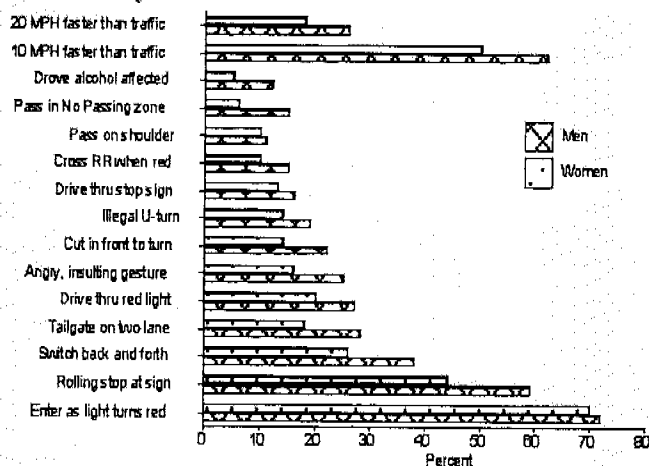
**Speeding and red light running are perennial problems on US roads.** Speeding increases the likelihood of fatalities in both pedestrian and auto collisions, as it reduces reflex time and increases the required stopping distance. Likewise, red light running can result in broadside collisions that are particularly dangerous and may involve speeding autos trying to beat a signal. Speeding and red light running are problems both nationally and in Utah:

- In 2003, speed-related fatalities numbered 13,380 nationally; of these, 93 occurred in Utah.<sup>1</sup>
- Speed increases the likelihood of fatalities in pedestrian and auto accidents and poses a general hazard for urban and rural communities.<sup>2</sup>
- Figures 1 and 5 illustrate the relationship between speed and the probability of fatalities for pedestrian and auto collisions.



- Nationally, red light running accounted for 5,951 fatalities from 1992-1998, and for 31 fatalities in Utah in the same time frame.<sup>3</sup>
- A National Highway Traffic Safety Administration (NHTSA) survey conducted in 1997 found speeding and entering intersections on a red light were the two most common violations to which respondents admitted (see figure at right).<sup>4</sup>

#### Speeding and Unsafe Driving Behaviors Committed by Males and Females in the Past Year



In short, red light running and speeding are very common, very costly in terms of lives and property damage annually, and make our streets more dangerous.

**Automated enforcement technologies, like photo radar and red light cameras, are a cost-effective means of enforcing the law and improving public safety.** Police forces, though indispensable to enforcing traffic laws, are spread thin nationally and throughout Utah. Police officers are overwhelmed with a multitude of responsibilities from domestic disturbance to drug enforcement, and even those charged with traffic enforcement may not be able to safely pull over speeding autos at the most dangerous intersections and highways. Furthermore, the average time required for a traffic stop severely constrains the number of citations an officer can issue.

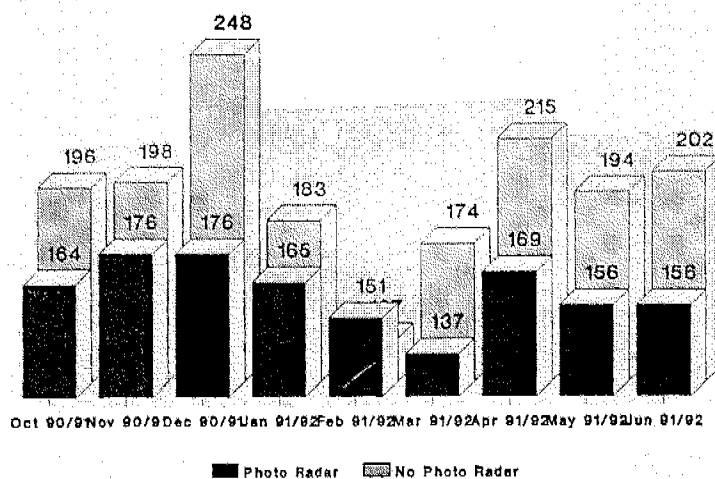
- Automated enforcement, both photo radar and red light cameras, has proved a cost-effective means of reducing i) traffic violations, and ii) auto collisions.
- Pilot studies throughout the nation have demonstrated favorable results for both red light cameras and photo radar (see attached tables).
- West Valley City's (UT)

photo-radar program, in place from 1991-1992, led to a 17% decrease in traffic accidents, and resulted in 300 fewer accident reports.<sup>5</sup> The pilot program exceeded expectations considerably.

The figure at right graphically illustrates the effectiveness of photo radar in reducing accidents. The figure compares accident

rates at particular sites in 1991, when they were monitored by photo radar, to accident rates at the same locations in 1990, when they were not monitored by photo radar.<sup>6</sup>

**Photo Radar Traffic Accident Reduction  
West Valley City 1991-1992**



**Fewer Crashes for Nearly Nine Months in a Row**

- Washington DC's photo radar enforcement program, instituted in 2001, resulted in average speed decreases of 14% and a more than 75% reduction in vehicles exceeding the speed limit by more than 10 m.p.h. at the selected sites.<sup>7</sup> The tables below and at right show a comparison of (a) red light camera sites in D.C. with similar, (b) unmonitored sites in Baltimore.
- Public opinion has also been supportive of automated enforcement in certain circumstances. A majority of individually surveyed in a NHTSA poll conducted in 2000 supported photo enforcement i) where traditional enforcement poses additional hazards or creates congestion, ii) when speeds are excessive, iii) in school zones, and iv) where accidents have been excessive. See tables B and C below.<sup>8</sup>

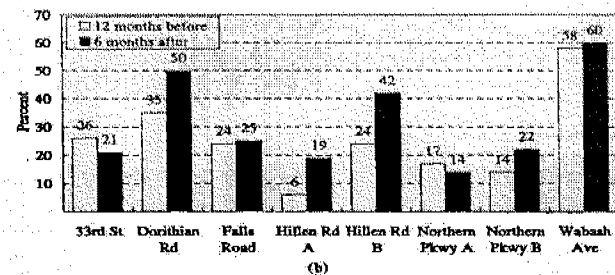
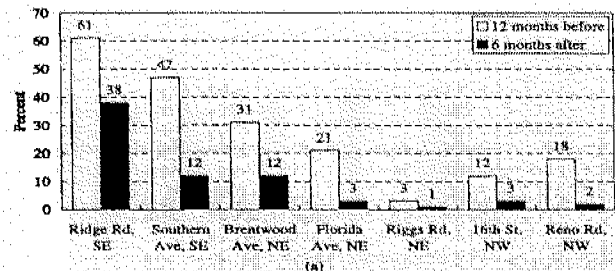
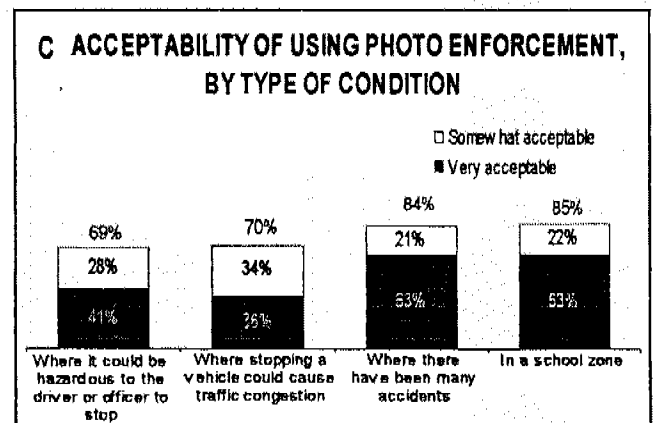
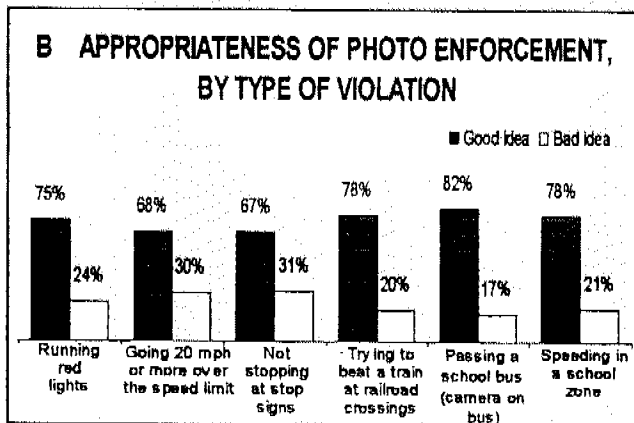


FIGURE 2 Percent of vehicles traveling >10 mph above speed limit: (a) Washington, D.C., camera sites, and (b) Baltimore control sites.



The Utah legislature should relax the restrictions placed on photo radar and give the municipalities discretion to determine under what circumstances it is appropriate and effective. The Utah legislature should loosen the set of restrictions placed upon these technologies so local governing bodies and police forces can determine whether automated enforcement is appropriate and if so, how best to implement it to improve public safety.

- Photo radar devices should be allowed on roads where speed limits exceed 30 m.p.h.

- Photo radar devices should not be limited to operation only when attended by a peace officer. This requirement significantly reduces cost efficiency.
- Cities and counties should have the flexibility to use advance warning signs in a manner they believe will most effectively improve public safety. For automated enforcement to have an effect beyond the immediate locations where it is being used, motorists must believe it could be in use anywhere at any time. This belief will lead them to reduce their speeds all the time, not solely when they fear enforcement. The current law's requirement that all automated enforcement efforts be signaled with advance warning signs notifies drivers that the only time they must obey the law is when they see the warning signs. This requirement should be removed.

<sup>1</sup> U.S. DOT, National Center for Statistics and Analysis. *Crash Data Report 1990-1999*: July 2002. pp. 121-149. available: <http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/>

<sup>2</sup> For a discussion of the relationship between pedestrian fatalities and speed, and for figure 1, see: U.S. DOT, NHTSA. *Literature Review on Vehicle Travel Speeds and Pedestrian Injuries*. DOT HS 809 021 October 1999; For the correlation between speed and auto fatalities, and figure 5, see: *Synthesis of Safety Research Related to Speed and Speed Limits*. Publication No. FHWA-RD-98-154. available: <http://www.tfhrc.gov/safety/speed/speed.htm>

<sup>3</sup> Insurance Institute for Highway Safety. *News Release: Red Light Running Factors Into More than 800 Deaths Annually*: 13 July 2000. available: [http://www.iihs.org/news\\_releases/2000/pr071300.htm](http://www.iihs.org/news_releases/2000/pr071300.htm)

<sup>4</sup> U.S. DOT, NHTSA. *National Survey of Speeding and Other Unsafe Driving Actions, VII: Driver Attitudes and Behavior*: September 15, 1998. available: <http://www.nhtsa.dot.gov/people/injury/aggressive/unsafe>

<sup>5</sup> *Photo-Radar Accident Reduction*. Report to West Valley City Council, West Valley City, UT: July 31, 1992.

<sup>6</sup> *Photo-Radar Accident Reduction*. Report to West Valley City Council, West Valley City, UT: July 31, 1992.

<sup>7</sup> For a report of these findings, and for figure 2, refer to: Retting, Richard and Farmer, Charles. "Evaluation of Speed Camera Enforcement in the District of Columbia." *Transportation Research Record* 1830, Paper No. 03-4012; For additional figures on automated enforcement results for the District of Columbia, see: <http://mpdc.dc.gov/info/traffic/speedresults.shtml>

<sup>8</sup> For tables B and C, and complete data on public sentiments vis-à-vis automated enforcement, see: The Gallup Organization. *National Survey of Speeding and Unsafe Driving Attitudes and Behavior: V.II Findings Report*: 2002, Final Report July 2003. Also available as NHTSA document, see volume III: Countermeasures. available: <http://www.nhtsa.dot.gov/people/injury/aggressive/unsafe/>

\* Table 1 compiled from: *Photo Radar: Demonstration Project Evaluation*. Executive Summary, Cities of Beaverton and Portland, Oregon: January 1997, Photo Radar: Regular Enforcement vs. Photo Radar vs. Red Light Cameras. Governors Office of Highway Safety, see information and graph on Scottsdale, AZ. available: [http://www.azgohs.state.az.us/red\\_light.html](http://www.azgohs.state.az.us/red_light.html)

\*\* Table 2 compiled from: Appendix C: Local Government Accident Studies. California Auditor's Report, 2002; NCHRP Synthesis 310. *Impact of Red Light Camera Enforcement on Crash Experience*. Transportation Research Board; Washington D.C.: 2003; Maccubbin, Robert, et al. *Automated Enforcement of Traffic Signals: A Literature Review*. Contract Sponsor: Federal Highway Administration: Final Report, 13 August 2001.



**Table I: Photo Radar - Speed Enforcement**

<b>Location</b>	<b>Reported Violation Reduction</b>	<b>Reported Crash Reduction</b>
West Valley City, UT		17% decrease in accidents - Fatal accidents dramatically reduced.
District of Columbia	Speeding reduced by 14% and vehicles exceeding speed limit by more than 10 mph reduced 82%	No information
San Jose, CA	Vehicles exceeding speed limit by more than 10 mph reduced 15%	No information
National City, CA	10% reduction in traffic speeds	No information
Victoria Australia	speeding reduced by 50%	Fatalities decreased 30%
British Columbia	26% reduction in speeding	7% reduction in overall crashes, 20% reduction in fatalities
Scottsdale, AZ		From 1996-7, collisions at locations with speed cameras declined 20%, collisions overall declined 3%
Portland OR	percentage of vehicles exceeding speed limit 10mph or more declined 27%	No information
Beaverton OR	percentage of vehicles exceeding speed limit 30 mph or more declined 28%	

**Table II: Red Light Cameras**

<b>Location</b>	<b>Reported Violation Reduction</b>	<b>Reported Crash Reduction</b>
Charlotte, NC	20% reductions in violations at equipped intersections	20% reduction in crashes caused by RLR at monitored intersections
Howard County, MD	42-62% reductions in violations at monitored intersections	21-44% crash reduction at monitored intersections
Oxnard, CA		32% decrease in broadside collisions at signalized intersections
San Diego, CA	20-24% decrease in violations	30% decrease in red light collisions at intersections with RLC
Sacramento, CA		33% decrease in broadside collisions at all RLC intersections
San Francisco, CA		All red light accidents decreased 16% citywide since program's inception in 1992
Los Angeles, CA		Red light accidents decreased at four of five intersections
Boulder, CO	Red light violations decreased 36% at deployed intersections	RLR-related accidents decreased 57% on approaches where cameras were deployed
Fairfax, VA	40% reduction in red light violations at monitored intersections	
Baltimore Co., MD		over 50% reduction in total crashes and a proportional reduction in crash severity

**Photo-Radar Accident Reduction  
Report to West Valley City Council  
West Valley City, Utah  
July 31, 1992**

It has been nearly one full year since West Valley City implemented its Photo-Radar Accident Reduction Program. This new Automated Speed Enforcement System was introduced as a measure to effectively and rapidly reduce traffic speeds by raising public awareness to traffic speed laws; slower traffic speeds will reduce the number and severity of crashes.

During the short period that it has been deployed, the Photo-Radar Accident Reduction Program in West Valley City has exceeded all expectations and has achieved the same dramatic results in crash loss reduction that have been experienced in other cities across the United States and around the world.

Statistics kept by the Police Department's Traffic Unit show a dramatic, continual decrease in the number of traffic accidents during the past nine months that Photo-Radar has been implemented. From October, 1991 through July, 1992 there were 300 fewer traffic accidents when compared to the same period one year earlier. The 17% decrease in traffic accidents is particularly dramatic compared to the 70% increase that West Valley has experienced during the past ten years. Prior to the implementation of Photo-Radar in October of 1991, the records show that there had not been any sustained measurable decline in the number of traffic accidents.

The success of this program is far-reaching and has proved to benefit more than just increased traffic safety. As a direct result, West Valley City Police Officers have taken 300 fewer accident reports. This translates to a direct savings of more than a thousand man hours considering the time required to respond to traffic accidents and the attendant completing and filing of reports. Moreover, and as a direct result, hundreds of thousands of dollars have been saved due to crash loss reduction.

During the period that Photo-Radar has been deployed, the Fire Department has also responded to fewer injury accidents. They report a 17% reduction in responses during the first half of 1992. In addition, Gold Cross Ambulance Service reports that responses to injury accidents have stabilized since 1991 and that accident victims have been transported to the hospital fewer times, indicating a reduction in the severity of the accidents that have occurred.

However, the most significant impact associated with the Accident Reduction Program is the **COMPLETE ELIMINATION OF FATALITIES**. During the two years prior to the introduction of Photo-Radar, there have been 9 fatal crashes each in 1990 and 1991; there have been no fatal accidents since November, 1991 (the first full month that Photo-Radar was deployed).

It is relatively easy to determine the number of man hours and tax dollars that have been saved as a result of Photo-Radar Speed Control. What is more difficult to quantify, however, is the human toll; how many people weren't killed or injured as a result of accidents that did not occur? How many people and their families are not suffering physically and emotionally as a result of traffic accidents that did not occur? Thankfully, due to the success of West Valley City's Photo-Radar Safety Program we do not need to answer these questions.

The traffic officers who operate the Photo-Radar Unit report that the average speed of the traffic has decreased measurably and the number of drivers who exceed the speed limit by more than five miles per hour is also considerably lower since the program began last year. It is this decrease in overall traffic speeds that results in fewer accidents; slower speeds provides greater reaction time to avoid a potential accident. Overall, observance of the posted speed limits has vastly improved since the introduction of Photo-Radar.

The City Prosecutors Office reports that the number of Photo-Radar citations that are contested in court has decreased to levels less than those associated with conventional traffic radar speeding citations. In June, for example, of the 776 Photo-Radar citations that were issued, only 1.6%, or twelve of the individuals who received citations disputed the complaint in court.

During the first six months of this year the Photo-Radar Unit monitored the speeds of more than 310,000 vehicles. Fewer than one and one half percent of the drivers of monitored vehicles received speeding citations. Only the flagrant violators, those drivers exceeding the posted speed limit by at least (11) eleven miles per hour were cited. The total number of citations issued this year is 4,414.

The Photo-Radar program has fulfilled its promise to increase speed limit compliance and lower the number and severity of traffic accidents. The Program has saved lives, human suffering and hundreds of thousands of dollars in property damage. With the continued use of effective, innovative programs such as Photo-Radar, we can look forward to an increasingly safe traffic environment in West Valley City.

## PHOTO RADAR SUMMARY - WEST VALLEY CITY

January 1 to July 1 1992 Totals

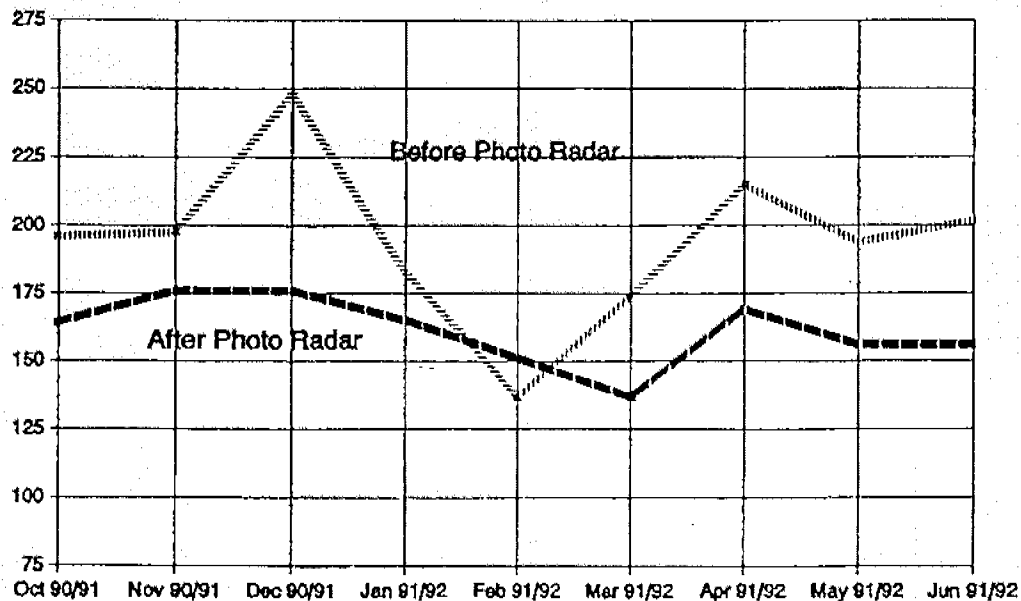
Number of Sessions	430
Deployment Time (Hours)	766.84
Number of Vehicles Monitored	310,309
Number of Citations Issued	4,414
Percent of Traffic Receiving Citations	1.42%

Many people are surprised at the low percentage of drivers who actually receive citations. PhotoCop targets only those drivers who significantly exceed the speed limit. The current trigger setting is at 11 mph over the posted speed limit.

West Valley has seen a dramatic reduction in the number of automobile accidents since Photo Radar was implemented in October of 1991.

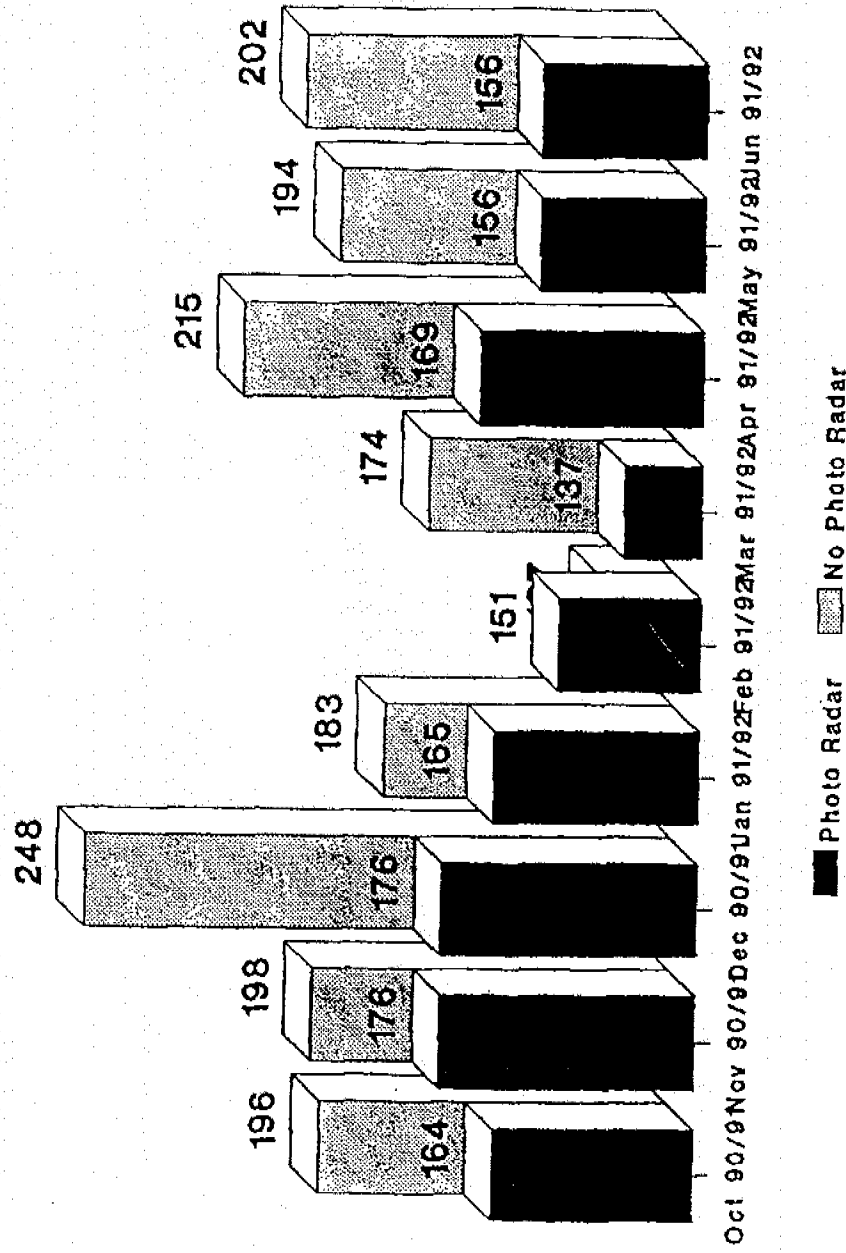
## Photo Radar Traffic Accident Reduction

West Valley City 1991 - 1992

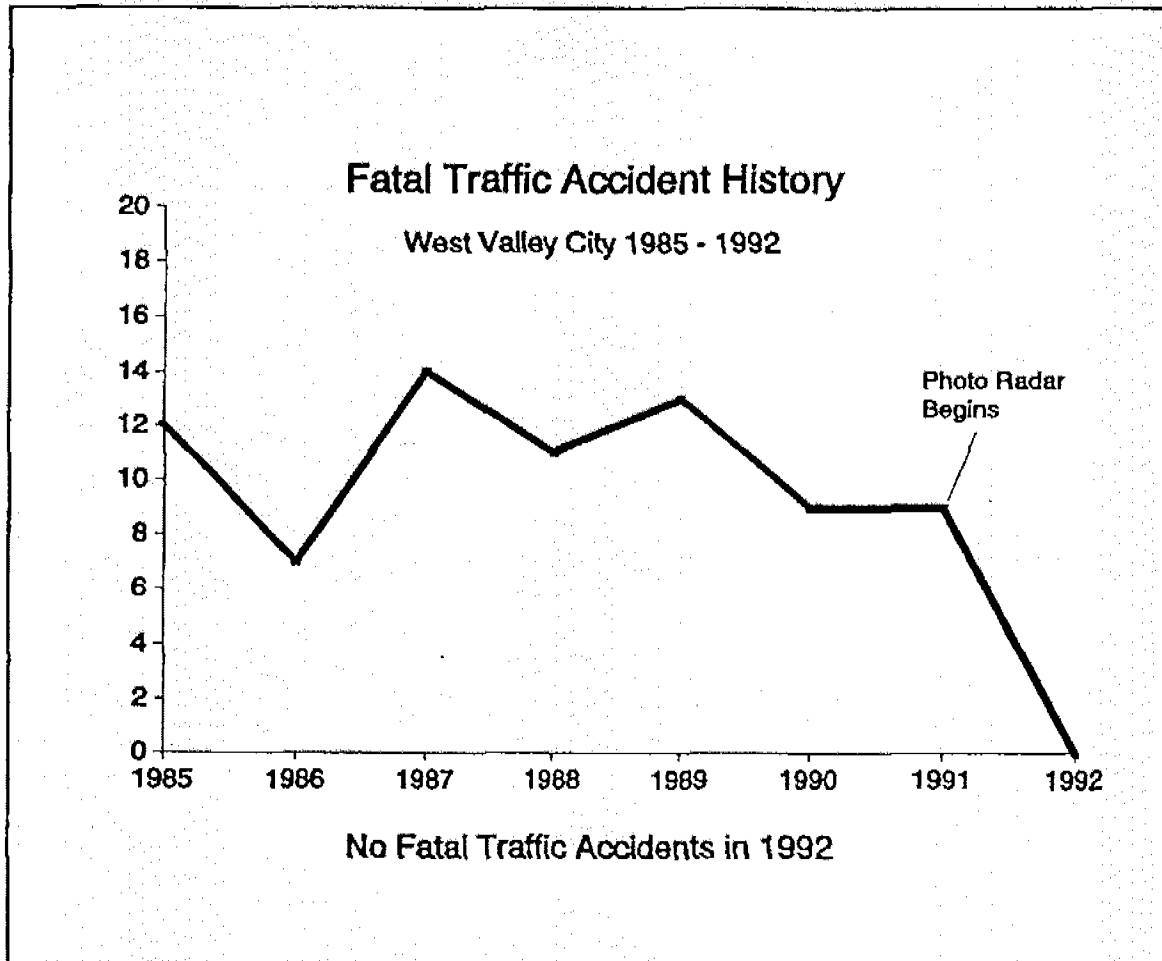


# Photo Radar Traffic Accident Reduction

## West Valley City 1991-1992



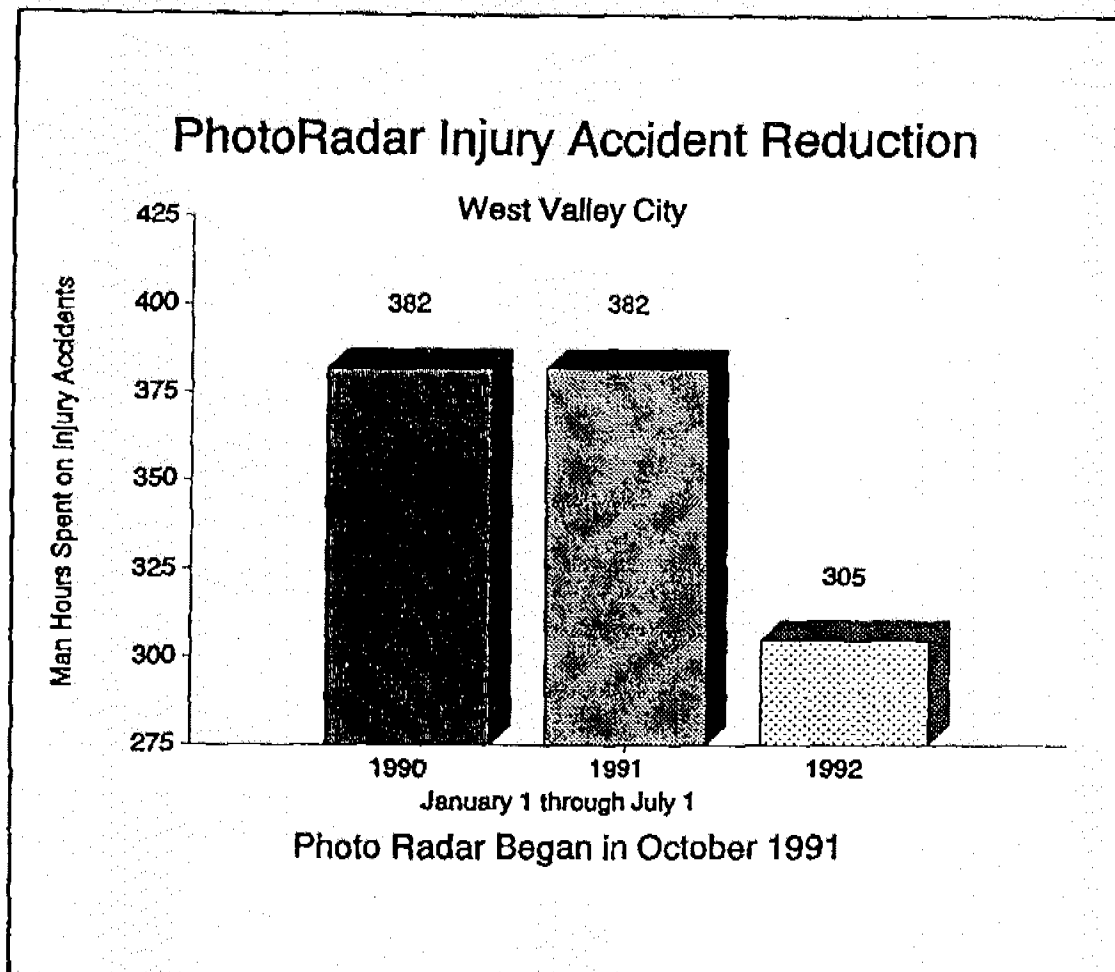
Fewer Crashes for Nearly Nine Months in a Row



There have been 75 lives lost in traffic accidents from 1985 to 1991.

There have been *no fatal traffic accidents* in West Valley City since Photo Radar started in October of 1991.

Information from the Utah Traffic Accident Summary 1990, 1991  
Utah Department of Public Safety



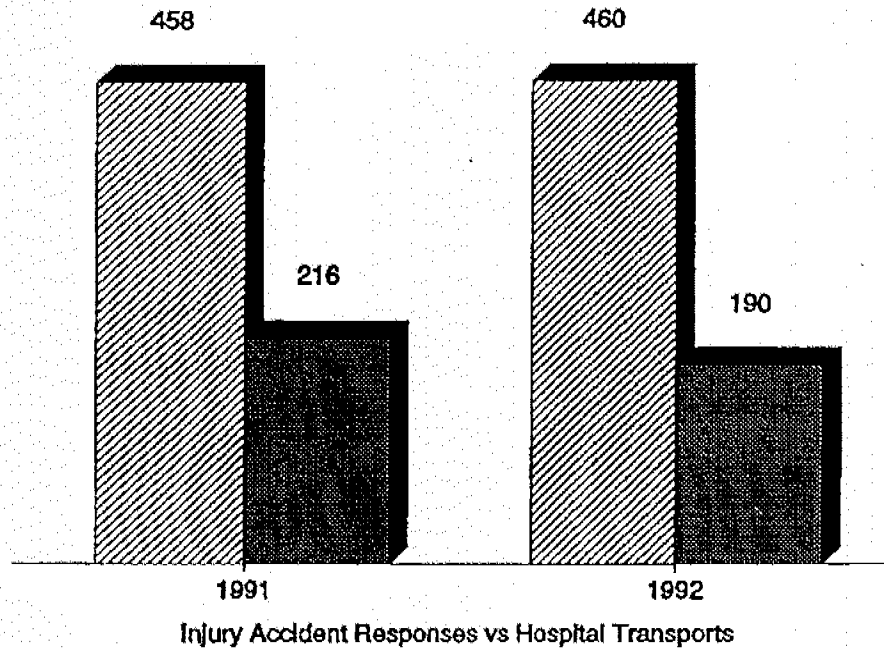
If the present trend continues through the remainder of 1992, there will be a 17% reduction in man hours spent by the Fire Department on injury accidents compared to 1991. This represents a savings of over \$21,000 and 280 man hours.

The Fire Department estimates it costs \$75 per man hour for them to respond to injury accidents.



## Gold Cross Ambulance Activity

West Valley City



Gold Cross Ambulance Company reports that their Injury Traffic Accident response numbers for West Valley City during 1992 have not increased over 1991. Traffic Accident responses for the rest of the Salt Lake Valley are up approximately 10%, continuing the steady growth rate of several years.

**SALT LAKE CITY CORPORATION**  
OFFICE OF THE CITY COUNCIL

August 4, 2004

Mayor Ross C. Anderson  
Room 306, City & County Building  
451 South State Street  
Salt Lake City, Utah 84111

Dear Mayor Anderson:

I am writing in regard to efforts to relocate the Tire Disposal & Recycling plant at 985 South 800 West Street.

As you know, the neighborhood around the recycling plant has favored relocating the plant for several years. Rep. David Litvak and I originally met with members of your Administration, neighborhood residents, and the recycling plant's owner in January 2003 to discuss how best to relocate the plant.

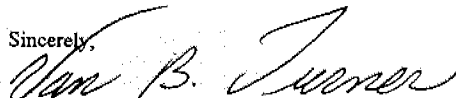
Earlier this year, members of your Administration and the City Council staff met again to identify parcels of City land that might be available to relocate the plant, and in March, that group and I again met with the recycling plant owners to determine their interest in relocating the plant. The owners said they would trade their land to the City if an appropriate site could be found to relocate the recycling plant. However, they asked that City representatives contact them again after April 15 to explore potential options.

Since March a number of other issues overtook consideration of finding potential locations that might be suitable for relocating the plant. In the meantime, it is my understanding that Community Development Director, Lee Martinez, is working through the process to establish a recycling zone in the western industrial area of the City that might make incentives available to relocate recycling businesses. In addition, Representative Litvak has continued to express interest in working to help relocate the plant.

Given that, I believe it is time to identify at least two parcels, each about five acres large, where the recycling plant could move and show them to the recycling plant owners. If the City can identify the parcels and show them to the plant owners, we can confirm their interest in moving the plant out of the neighborhood and identify other issues the City may have to address to relocate the plant.

I hope you will help me in moving the relocation of the plant forward to take advantage of potential incentives and interest from our area's representative in the Legislature.

Sincerely,



Van B. Turner  
Salt Lake City Council Member  
District Two

VBT/raw

Cc: City Council Members, Cindy Gust Jenson, Rocky Fluhart, Lee Martinez, Rick Graham,  
Linda Cordova, Vicki Bennett, Rep. David Litvak

451 SOUTH STATE STREET, ROOM 306, SALT LAKE CITY, UTAH 84111  
TELEPHONE: 801-535-7600, FAX: 801-535-7651



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## M E M O R A N D U M

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**DATE:** February 4, 2003  
**TO:** Cindy Gust-Jenson  
**FROM:** Russell Weeks  
**RE:** Tire Recycling Plant Meeting with Utah Rep. David Litvak  
**CC:** Gary Mumford, Janice Jardine, Michael Sears, Marge Harvey

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This memorandum is a summary of a January 28 meeting about the potential to move the tire recycling plant at 985 South 800 West in City Council District 2. The meeting included City Council Member Van Turner, Utah Rep. David Litvak, Mayor Ross C. Anderson's Chief of Staff David Nimkin, City Attorney Ed Rutan, Environmental Planner Marilyn Lewis, Senior Environmental Advisor Vicki Bennett, Weed and Seed Project Coordinator Jacob Brace, the recycling plant's managers Fred Bonnie and Wayne Christensen, and other community members. Utah Sen. James Evans also briefly attended the meeting.

The bottom line of the meeting appears to be this:

- The residential neighborhood next to the recycling plant would like the plant moved.
- The tire recycling plant's managers said they would "move in a heartbeat" if a location were found that fit their criteria.
- Rep. Litvak said there appeared to be a number of methods to help move the recycling plant. However, the filing deadline for bills in the 2003 Legislature was too close for him to do anything this year.
- Rep. Litvak suggested that the meeting participants identify by mid-March properties where the plant could be relocated and get together again to start working toward resolving the issue.
- Council Member Turner said the plant should be located near the Salt Lake City/County landfill because the landfill takes between 20 percent and 25 percent of the shredded tires the plant produces.
- One item in favor of resolving the issue next year is the State's *Waste Tire Recycling Act* is up for review and possible renewal during the 2004 legislative session, Rep. Litvak said. However, he said the City and others should use the period between the current session and the next one to develop a solid plan and start presenting the issue to other legislators.

- The two major issues to resolve appear to be: 1.) Finding a suitable location to move the recycling plant. 2.) Finding revenue sources equal to about \$2 million to \$3 million to finance the move.

### **Location Criteria**

The following are criteria the plant's managers said they needed to move the facility:

1. A four-acre site to hold at least a tire processing plant, a maintenance shed for repairing equipment, room to hold 10,000 tires allowed by law, and buffering to shield the plant from other businesses.
2. If a four-acre site is not available, the plant would need a site of at least more than two acres.
3. The site ideally would be two to three miles from freeways and two to three miles from the plant's equipment suppliers that currently are located near the current site at 985 South 800 West. The plant managers said 5600 West Street would be the farthest limit for relocating the plant.
4. The site would have to be wired electrically to a power source that would provide enough electricity to operate the plant.
5. The plant managers said the plant could be relocated to an unincorporated part of Salt Lake County.

### **Other Criteria**

- Planner Marilyn Lewis said tire-recycling plants that recycle tires wholly indoors are permitted uses in M-1 (light industrial) and M-2 (heavy industrial) zones. Plants where tires are recycled at least in part outdoors are permitted in M-2 zones and are a conditional use in M-1 zones.
- Locating the plant west of Redwood Road may raise issues involving wastewater infrastructure, said Environmental Advisor Ms. Bennett.
- Plant managers said that if the plant were moved, the land and buildings at the new site would have to be ready for use immediately because the new plant would have to start shredding tires a *maximum* of seven days after the closure of the existing plant. One week would allow the movement, set up, and start up of existing plant equipment at the new location.

### **Other Issues**

Rep. Litvak said the review of the *Waste Tire Recycling Act* would be a good time to address moving the recycling plant because it would allow all participants at the January 28 to lay groundwork between the legislative sessions for the Legislature to consider a bill in 2004.

A potential bill might include an increase in the \$1 fee that goes to the State when someone buys a new tire or an increase in the \$1.50 fee people pay for disposing an old tire when they buy a new tire. However, Rep. Litvak said a solution probably would involve all participants to share at least some cost of relocating the plant. That includes the City, Salt Lake County, the State, and the recycling plant owners.

The argument for including the State is two-thirds of all old tires in Utah are shredded at the Salt Lake City plant. The plant shreds old tires hauled from Snowville to St. George, managers said.

The arguments for including Salt Lake County are:

- As mentioned earlier, the City/County landfill accepts 20 percent to 25 percent of the shredded tires the plant produces.
- The landfill charges \$9 a ton to accept the shredded tires. Landfill revenue from the tires equaled \$35,000 last year, plant managers said.
- As Council staff understands, the landfill can use the shredded tires to help cap landfill trash, and using the tires as a cap means the landfill does not have to use as much dirt to bury the trash to meet federal environmental regulations.
- Although the plant recycles two-thirds of all worn tires in Utah, Salt Lake County generates the greatest number of worn tires in the state.
- Except for air quality issues, The Salt Lake Valley Health Department regulates the bulk of the plant's operation from a health perspective.

The plant's managers said that if they moved to a new location, they were willing to consider turning over the existing plant's property to one of the levels of government involved in facilitating the move. They said the property would not require environmental remediation.

Rep. Litvak said Sen. James Evans has been in touch with U.S. Rep. Rob Bishop to seek help to obtain federal funds to help move the recycling plant.

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## MEMORANDUM

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**DATE:** October 28, 1998  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Photo Radar Discussion  
**CC:** Cindy Gust-Jensen, Gary Mumford, Ruben Ortega, Kay Christensen, Roger Black

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As part of Salt Lake City's budget for the current fiscal year, the City Council adopted a series of legislative intent statements, including:

"Photo Radar -- It is the intent of the City Council that the Administration research the possibility of using photo radar in school zones or other appropriate locations. The research should include an update of the report provided about three years ago to include the success that Portland, Oregon, has experienced using photo radar. Changes to state law to implement use of photo radar should also be researched. The Council is interested in placing an emphasis on educating and warning drivers through this system."

Because City Council staff wrote the two reports referenced in the legislative intent this memorandum is staff's attempt to update the information sought by the current Council. It is Council staff's understanding that research focus on using a photo radar system that does not involve issuing citations for speed limit violations.

Council staff wrote the information in memorandum form because it is staff's understanding that the information provided is to further Council discussion of the issue.

### Utah State Law

*A caveat.* Commentary on this section cannot be a legal opinion because no one on Council staff has studied law or is a member of the Utah State Bar.

If the City Council's goal is to have a photo radar system in which drivers exceeding posted speed limits are sent warning letters, it appears that a photo radar system could be used on any street in Salt Lake City.

State law 41-6-52.5(3) reads: *The restrictions under Subsection (2) on the use of photo radar do not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine, court appearance, or a person's driving record.* (Please see Attachment No. 1.)

If the City Council's goal is to enforce speed limits through issuing citations to drivers photographed by a photo radar system, five restrictions apply:

1. Photo radar may be used only in school zones or in other areas that have posted speed limits of 30 mph or less.
2. Photo radar may be used only when a peace officer is present with the photo radar unit.
3. Signs must be posted "on the highway" to warn motorists that photo radar may be used.
4. The *use* of photo radar must be approved by "the local authority's governing body."
5. A citation must be accompanied by a photograph produced by the photo radar unit.

In sum, under the state law's restrictions, the City Council must approve the use of photo radar. If the Council approves using the system as a traffic law enforcement tool, it could be used only in school zones and probably residential streets. (The streets could include streets such as 900 East which has a posted speed limit of 30 mph.) A police officer must be present when photo radar equipment is operating. And any citation must be accompanied by a photograph.

It should be noted again that if the Council's goal is to have a photo radar system in which drivers are sent only warning citations, the law seems to say that none of the restrictions apply.

It also should be noted that Utah law seems to say that the legislative governing body need only approve the *use* of photo radar, not its use on specific streets. If citations are issued Utah law seems to restrict the use of photo radar largely to residential areas.

### **Effect of State Law on Utah Cities**

In 1994 and early 1995 Council staff wrote two studies of photo radar that said three cities in Utah used photo radar: West Valley City, Layton, and Garland. Two other cities, Huntington and Wellington, had used photo radar previously but stopped because the company that operated the units found them unprofitable and quit operating the programs. In 1995 Sandy also had issued a request for proposals to initiate a photo radar program.

Today, West Valley City, Layton and Garland have stopped using photo radar, and Sandy has dropped its plans to use the system. Spokespeople in all four cities said changes to the state law made operating the units unprofitable. The major change to the law was the 1995 restriction passed by the Legislature that limited photo radar use to streets that have a speed limit of 30 mph or less. Previously, the law read that photo radar could be used in school zones or "*in other areas approved by a local authority's governing body based on a demonstrated public safety need.*"

It should be noted that when people described photo radar as "unprofitable," they meant that the photo radar programs no longer could pay for themselves. West Valley City made it a point when it operated its photo radar units to make sure that citations issued to drivers generated almost enough revenue to break even on operating the units. West Valley City officials made a political decision to make sure the units were not cash cows. West Valley City officials said in 1994 and 1995 that their primary goal for using photo radar was to control traffic speed, not generate revenue.

## **Portland Photo Radar Program**

As you can see from the attached summary, (Please see Attachment No. 2.), Portland's photo radar program was part of an effort spearheaded by neighborhood activists in 1993. According to the summary photo radar was identified in a 1993 community action plan as one way of to "reduce traffic speeds and volumes on neighborhood streets to make them safer for pedestrians, bicyclists, and residents ..."

According to the "background" sections of the summary and the full report,

"Speeding is one of the most frequent complaints to city officials in Portland and Beaverton. ... To encourage drivers to slow down, Portland and Beaverton supplemented traditional police enforcement with educational programs such as 'speed watch' and engineering solutions such as speed bumps.

"To further improve traffic safety and neighborhood livability, Portland neighborhood activists developed the Reclaiming Our Streets (ROS) Community Action Plan in 1993. ... In the ROS plan, residents identified photo radar as a possible solution to speeding in neighborhoods and school zones. The ROS Implementation Team, appointed by the City Council to follow up on the Community Action Plan, played the lead role in advocating for photo radar legislation.

"Consistent with the desires of its citizen supporters, the goal of the cities' photo radar program is to slow speeding motorists in neighborhoods and school zones thereby diminishing the frequency and severity of collision and contributing to neighborhood livability and safety. ..."

Portland and Beaverton then obtained permission from the Oregon Legislature to operate photo radar as an experiment. The project ended in January 1998. According to Portland Police Bureau Capt. Patrick Nelson the program has remained in place after the two-year experimental period. Portland police operate two photo radar units.

The original goals of the project included:

- Evaluating public acceptance of photo radar as a speed enforcement tool.
- Determining if photo radar effectively controlled speed on residential streets and school zones.
- Evaluating the administrative process of a photo radar program, including issuing citations, delivery and adjudication of citations, and assessing the effect of the photo radar program on police and court operations. The evaluation included the effect on police and court operations financially.

According to the summary, Portland leased photo radar vehicles and equipment from a private company. The company also processed film from the photo radar cameras, identified the registered owners of cars from Oregon's Driver and Motor Vehicle Services, and printed citations for signing by the officer who "saw" the violations occur. It should be noted that, like Utah, Oregon requires photo radar to be operated by a uniformed police officer. It also should be noted that Beaverton uses retired police officers to operate its photo radar system. Portland assigns on-duty officers to operate its system. Finally, unlike Utah, photographs were not enclosed with the citations because Oregon law assumes that the driver of a speeding vehicle is its registered owner. (Please see Attachment No. 3.)

As you can see from the summary, Portland and Beaverton conducted extensive public relations campaigns to inform residents about photo radar. The summary's chart indicates that public awareness and



approval of using photo radar in school zones and residential areas increased during the first year of the study program.

Portland also conducted a traffic safety survey of streets where the department used photo radar. Capt. Nelson said in a telephone conversation that the survey was not a scientific survey. However, the full project evaluation obtained by Council staff said the department had three control streets where photo radar was not used and about a dozen streets where photo radar was used.

The study showed:

- The percent of vehicles exceeding posted speed limits by more than 10 mph decreased by 27 percent on streets with photo radar and increased by 12 percent on streets without photo radar.
- Average speeds dropped by 2 mph on streets with photo radar and increased by two-tenths mph on streets without photo radar.

Portland also compared data collected in a three-month period on streets that received intensive photo radar enforcement with data collected on streets where photo radar was discontinued.

The comparison showed:

- The percent of vehicles exceeding the posted speed limit by more than 10 mph averaged 8.9 percent lower on streets with photo radar than on streets where photo radar was discontinued.
- Eighty-fifth percentile speeds averaged 1.8 mph lower on streets with photo radar compared to streets where photo radar was discontinued.

As you probably know, the "eighty-fifth percentile" is the top speed on a street at which drivers feel comfortable driving given the location of the street and driving conditions. The term also means that 15 percent of drivers on any given street drive faster than the eighty-fifth percentile.

According to the summary, traffic citations in Portland from photo radar account for 25 percent of the total moving violation citations issued by the Portland Police Bureau. The percentage still was cited in a July 4 news article in *The Oregonian*, Portland's daily newspaper.

However, one must note from the summary's Table 2 that of the 19,385 violations captured by photo radar in the first nine months of the study period, roughly half – 9,752 violations – resulted in police issuing a citation or warning letter.

The Police Bureau gave several reasons for the photo radar program's 50 percent success – and 50 percent failure – rate. According to the complete study, the most common reasons citations were not issued were photo radar's flash made vehicle interiors too dark to identify drivers. Windshield glare also made driver identification difficult, and license plates on some vehicles could not be identified.

Other problems included film problems, operator error, and speeding emergency vehicles. Finally, Oregon law requires that photo radar citations be delivered in six business days. The photo radar vendor sometimes could not obtain information on vehicle registration from Oregon's Driver and Motor Vehicle Services in time to meet the six-day deadline. It should be noted that Utah law does not have a similar deadline.

The summary also says that Portland subsidized its photo radar system with \$58,000 "through September 1996." Given that the study started in January 1996, one can estimate that the total subsidy for Portland for one year was \$67,330. The summary said the subsidy did not include the costs of officers to operate the system. The summary also says photo radar is not a revenue generator for either Portland or Beaverton. "Given the fines levied, the revenue sharing requirements and levels of use, neither city completely covered the costs of the program with photo radar fine revenue," the summary says.

Three items are worth further discussion.

First, the way Portland and its vendor operate the system, two people review photos of violators before a citation is issued. After a photo is taken of a speeding vehicle, Portland turns over the film to the vending company for processing. Company personnel then review the film and omit photos they feel cannot identify drivers or vehicles. The company then obtains information on the registered owner of the vehicle. Photographs are reviewed again. If the gender of the driver does not match the gender of the of the registered owner or if the color or make of the vehicle does not match the photograph, the photographs are discarded. The remaining photographs are then sent to the Portland Police Bureau where an officer reviews them. If the officer believes the photographs cannot positively identify drivers, he does not sign the citations.

Second, Portland shares its citation revenue with the state and the courts because it does not have municipal courts. Beaverton has municipal courts and makes more money from its photo radar program. For a standard speeding citation in Portland, the state takes a share for the state's general fund. Then Multnomah and Washington counties each take an assessment for jails. If the person issued the citation pays the full cost of the citation, he or she receives a "bail refund." Portland then evenly splits the remainder with the Multnomah County Court.

Portland's revenue split is similar to the division of speeding citations among Salt Lake City, the State, and 3<sup>rd</sup> District Court. Council staff's 1995 study said a typical ticket for speeding 10 to 19 mph in Salt Lake City costs \$52. Of that, 35 percent went to the state to pay surcharges for training emergency medical technicians and to fund the Peace Officers Standards and Training Academy. The City then split the remaining \$37.04 evenly with the 3<sup>rd</sup> District Court.

According to a Sept. 28 letter from the City Attorney's Office, the City would have to seek a change to state law to make moving violations a civil penalty like parking tickets. The City cannot unilaterally decriminalize moving violations, according to the Attorney's Office.

Third, it should be noted that no city in previous studies or contacted for this memorandum saw photo radar as a revenue generator. With the seeming exception of Portland, cities sought to either have their programs pay for themselves or have minor subsidies. West Valley City, which had the most extensive photo radar program in Utah, always made sure the program required a minor subsidy. Obviously, the company that processed photo radar for West Valley City made money for its service. That probably is one reason why Utah law requires that a city using photo radar must make the terms of its contract with a photo radar company available to the public. The law also requires that total fine revenue from photo radar and the amount paid to a photo radar company be public information.

Fourth, it should be noted that West Valley City credited a decline in traffic accidents to its use of photo radar. In 1990, West Valley City had 2,226 reportable traffic accidents. In 1993, West Valley City had 1,747 reportable traffic accidents - a 23 percent drop.

Finally, it should be noted that studies of drivers' habits with photo radar appear to remain few in number. As Capt. Nelson said, Portland's driver survey was not a scientific survey. But he said photo radar *seems* to decrease traffic speeds. A promotional package sent by the company that works with Portland included copies of surveys of public opinion about photo radar, but no hard statistical surveys about its effectiveness in slowing traffic.

Nevertheless, the company spokesperson said it is working with Denver to initiate a photo radar program there. It also is working with Boulder, Colorado, officials on a pilot program for photo radar. The spokesperson said there are 35 cities in North America that use either photo radar or cameras on streets to photograph drivers who run red lights. Of that number, seven cities in Alberta, Canada, use photo radar, and there appear to be a number of cities in British Columbia that also use photo radar. The number also includes 10 programs in the United States that are designed to photograph drivers who run red lights.

### **Potential Costs of a Photo Radar Program**

The company spokesperson gave no total estimate for a photo radar program in which warning letters were sent to speeding drivers in Salt Lake City. He estimated that for a one-year program it would cost between \$50,000 and \$60,000 to lease a van equipped with two radar cameras that would photograph the front and back license plate of speeding vehicles. It would cost a little more to equip the van with a speed board to tell motorists how fast they're traveling. He said that long-term it might be cheaper for the City to own the vehicle. The spokesperson also estimated that it would cost about \$2,500 total to train six or seven people to operate the cameras. The spokesperson said that ultimately the City could initiate a program in which warning letters are issued then move the program toward issuing citations.

The spokesperson estimated that to issue warning letters it would cost between \$12.50 and \$20 per letter, possibly less. For that, the company would provide services similar to those it provides Portland: film processing, access to motor vehicle records, and issuing warning letters including postage and envelopes.

Using Portland's number of 9,752 citations and warning letters issued in the first nine months of its radar program, one can estimate that it sent out about 13,000 citations and warning letters in a full year. If Portland's and Salt Lake City's experiences are similar, a possible cost figure for issuing warning letters might be between \$162,500 and \$260,000. It should be noted that the only hard figures in the estimate are the \$12.50 to \$20 per letter given by the company spokesperson.

Studies done by Council staff in 1994 estimated that it would cost Salt Lake City \$226,000 a year to contract with a company for photo radar service. The figure was based on \$38,500 in ongoing costs associated with hiring an officer to staff a photo radar unit plus \$188,000 to pay for services similar to the ones discussed with the spokesperson from the company that works with Portland. The \$188,000 figure assumed a photo radar unit would operate 140 hours a month, that about 1,000 to 1,200 citations would be would result from photo radar, and that an average of 800 to 900 citations would be paid each month. The \$188,000 figure was derived from the amount West Valley City paid its photo radar provider in 1993.

To recap, the spokesman of the company that works with Portland estimated that it would cost:

- \$50,000 to \$60,000 to lease a van equipped with two photo radar cameras for a year.
- \$2,500 total to train six or seven people to operate the system.

- \$12.50 to \$20 per warning letter.

The spokesperson suggested that the company also would work with the City to develop an community awareness campaign about photo radar. He said the company would develop the campaign for about \$30,000. The spokesperson also said that for about \$2,000 a month (\$24,000 annually) the company has a program in which the City Police Department could access the company's Internet web site to retrieve data on traffic and citations issued in Salt Lake City -- if a photo radar program were initiated.

Again it should be noted that Portland subsidized its photo radar citation system by \$58,000 in the first nine months of its study, and that costs for police officers operating the system were not included.

### **Comparison Salt Lake City Police Department and Portland Police Bureau**

One reason the Portland Police Bureau initiated its photo radar system is that "at any one time, the city has only four to six officers on duty to provide traffic enforcement and investigate accidents ...," according to Portland's summary.

Appendix Page A-22 of the recently completed management audit of the Salt Lake City Police Department says the City's Motorcycle Squad/Traffic Enforcement Unit is staffed with two sergeants and 16 officers. The day shift contains eight officers who work between 7 a.m. and 5 p.m. Monday, Tuesday, Wednesday, and Thursday. The swing shift operates between 4 p.m. and 2 a.m. Wednesday, Thursday, Friday, and Saturday. The Traffic Enforcement Unit does not work on Sundays.

According to the appendix:

"Day shift Motor Officers provide a mix of preventive and targeted enforcement. Three times per day, officers are assigned to rotating school sites for traffic control and traffic enforcement prior to school, at lunch hour, and at the end of the school day. During the remaining periods, they are deployed to targeted enforcement sites triggered by service requests from citizens, community policing officers, and analysis of high accident frequency locations by the Administrative Lieutenant and the two sergeants. One of the Day Shift Motor Officers has the ancillary duty of receiving and processing service requests.

Swing shift motor officers accomplish both targeted enforcement in response to service requests and other sources, and also focus on DUI apprehension city-wide."

It also should be noted that the Mayor's budget address for the current fiscal year included the following language:

"I recommend that we use the surcharge on moving traffic violations authorized by the Legislature to pursue complementary traffic mitigation objectives. The first is to fund \$500,000 worth of traffic calming initiatives. ...

The second recommendation is to use the new revenues as leverage to secure additional federal grants for the hiring of 10 new police officers. I am proposing that their primary assignment be stepped-up traffic enforcement, to assure more responsible behavior on the part of drivers, thereby reducing the negative impact of traffic in our neighborhoods.

Adding these officers will free up others who are now forced to devote large parts of their time to traffic issues."

As you probably know, the traffic surcharge was a \$10 surcharge added to traffic violations to fund local government traffic mitigation efforts caused by the reconstruction of Interstate 15. According to the budget message in the current fiscal year's budget book, Salt Lake City is projected to receive \$464,000 in revenue from the surcharge.

Of the \$464,000, \$250,000 was added to \$250,000 in general fund revenue to build traffic calming devices. Another \$180,500 was coupled with the COPS Universal Hiring Grant - Phase III to hire 10 police officers. The 10 officers are undergoing training now. When the 10 officers start work two current police officers will be transferred to the Motorcycle Squad/Traffic Enforcement Unit. The remaining \$33,500 will be used to purchase two motorcycles for the transferred officers.

It is Council staff's understanding that the new officers will be assigned to patrol units. It should be noted that in the past Police Department administrators have said that every officer is required to enforce traffic laws as part of their duties.

It also should be noted that the number of traffic citations issued in the last year were not immediately available for this memorandum. However, Salt Lake City police officers issued 3,305 traffic citations in the first six months of 1994. That may mean that officers issued about 6,600 tickets in calendar year 1994.

## **DISCUSSION POINTS**

- Based on the study and other items provided by the Portland Police Bureau and a telephone conversation with Police Bureau Capt. Patrick Nelson, the Portland photo radar program began as part of an overall traffic calming effort initiated by activists in Portland neighborhoods.
- Although traffic calming involves an overall effort, Portland's official traffic calming program is run by that city's transportation department. But the photo radar program is operated by the Police Bureau.
- Oregon law regulating photo radar requires that the photo radar unit operate in conjunction with a "speed board." Oregon law requires, "An indication of the actual speed of the vehicle is displayed within 150 feet of the location of the photo radar unit."
- Salt Lake City already operates "speed boards," and plans to buy more.
- Hard cost figures provided by Portland's photo radar vendor include:
  - 1.) \$50,000 to \$60,000 to lease a van equipped with two photo radar cameras.
  - 2.) \$2,500 total to train six to seven people to operate a photo radar system.
  - 3.) \$12.50 to \$20 per letter for a photo radar vendor to process photos, identify vehicles, and mail warning letters.
- Cost figures less certain but probable or optional include:
  - 1.) Salaries of either police officers or others to operate the photo radar system.
  - 2.) \$30,000 in one-time expenses for a photo radar company to develop a public awareness campaign.

3.) \$24,000 (\$2,000 per month) for access to one photo radar vendor's Internet website to retrieve data on traffic and citations issued in Salt Lake City – if the City chooses to initiate a photo radar program.

- Based on the cost figures, clearly one question the Council would have to consider is allocating revenue for a photo radar program. The City also would have to issue a request for proposals to photo radar vendors.
- It seems to City Council staff that for cities with a photo radar program that issues only warning letters Utah law exempts the cities from restrictions on photo radar programs in which citations are issued.
- It also seems to City Council staff that if the City chose to operate a photo radar program in which citations are issued for speeding, the Utah law governing photo radar limits its use to school zones and residential neighborhoods.

### **POTENTIAL OPTIONS**

- Direct City Council staff to prepare a one-page synopsis of the Portland program to present to community council chairs. Chairs then could be asked to present the synopsis to community councils to gauge residents' sentiment about using photo radar to help slow traffic through neighborhoods. One place to present the information could be the Mayor's monthly meeting with community council chairs.
- City Council members could choose three to five streets in each Council District as streets to study for problems with vehicles speeding through neighborhoods. The Council could request the Administration to conduct the study or an outside consultant could perform the study. The latter probably would require a request for proposals.
- Conduct a professional poll to gauge residents' sentiment about the use of photo radar. The poll probably would require an allocation of money. If the poll were to cost more than \$10,000, a request for proposals also would have to be issued.