

TRAFFIC ENFORCEMENT AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies the Motor Vehicles Code to amend provisions relating to license plates and traffic enforcement.

Highlighted Provisions:

This bill:

- provides that license plates, except certain temporary permits, may not be covered in any manner;
- eliminates certain restrictions on the use of photo radar;
- repeals the provision that:
 - makes a citation issued through photo radar a nonreportable violation; and
 - provides that points may not be assessed for the violation;
- defines automated red light traffic enforcement system;
- authorizes the use of an automated red light traffic enforcement system in certain circumstances;
- requires a highway authority to make certain information relating to automated red light traffic enforcement available upon request;
- requires a jurisdiction authorizing photo radar or an automated red light traffic enforcement system to provide and ensure that certain procedures will be followed regarding dismissal and appeal of a citation;
- provides that a highway authority may not put a condition on a contract with an automated red light traffic enforcement system or photo radar unit manufacturer or vendor that provides that the compensation is based on the citations issued or the fine revenue generated from citations; and

- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-404, as renumbered and amended by Chapter 1, Laws of Utah 1992

41-6-52.5, as last amended by Chapter 343, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-1a-404** is amended to read:

41-1a-404. Location and position of plates -- Plates not to be covered --

Exceptions.

(1) License plates issued for a vehicle other than a motorcycle, trailer, or semitrailer shall be attached to the vehicle, one in the front and the other in the rear.

(2) The license plate issued for a motorcycle, trailer, or semitrailer shall be attached to the rear of the motorcycle, trailer, or semitrailer.

(3) Every license plate shall at all times be:

(a) securely fastened:

(i) in a horizontal position to the vehicle for which it is issued to prevent the plate from swinging;

(ii) at a height of not less than 12 inches from the ground, measuring from the bottom of the plate; and

(iii) in a place and position to be clearly visible; and

(b) maintained:

- (i) free from foreign materials; and
- (ii) in a condition to be clearly legible.

(4) (a) Except as provided in Subsection (4)(b) and (c), a license plate, a temporary permit, or the required letters and numerals on them may not be covered in any manner.

(b) A temporary permit issued under Section 41-1a-211 or under Title 41, Chapter 1a, Part 3, Temporary Permits, which serves temporarily as a license plate may have a protective transparent cover if the permit is made of paper or a like material susceptible to deterioration due to weather conditions.

(c) A license plate or a temporary permit may have a frame mounted on the outside of the license plate or temporary permit if no part of the lettering on the license plate or temporary permit is covered by the frame.

Section 2. Section **41-6-52.5** is amended to read:

**41-6-52.5. Photo radar and automated red light traffic enforcement systems --
Restrictions on use.**

(1) [~~Photo~~] As used in this section:

(a) "Automated red light traffic enforcement system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with a traffic control device to automatically produce photographs, video, or digital images of a vehicle moving in violation of the traffic control device.

(b) "Photo radar" means a device used primarily for highway speed limit enforcement substantially consisting of a low power doppler radar unit and camera mounted in or on a vehicle, which automatically produces a photograph of a vehicle traveling in excess of the legal speed limit, with the vehicle's speed, the date, time of day, and location of the violation printed on the photograph.

(2) Photo radar or an automated red light traffic enforcement system may not be used except:

~~[(a) (i) in school zones; or]~~

~~[(ii) in other areas that have a posted speed limit of 30 miles per hour or less;]~~

~~[(b) when a peace officer is present with the photo radar unit;]~~

~~[(e)]~~ (a) when signs are posted ~~[on the highway]~~ at the at the borders of the authorizing jurisdiction providing notice to a motorist that photo radar or an automated red light traffic enforcement system may be used within the jurisdiction;

~~[(d)]~~ (b) when use of photo radar or an automated red light traffic enforcement system by a local authority is approved by the local authority's governing body; ~~[and]~~

~~[(e)]~~ (c) when the citation is accompanied by the photograph or image produced by photo radar~~[-]~~ or the automated red light traffic enforcement system; and

(d) when the authorizing jurisdiction:

(i) provides a clear and simple process for dismissing a citation issued under this section if either the photograph or evidence provided by the owner of the vehicle clearly proves that the registered owner was not operating the vehicle at the time the ticket was issued; and

(ii) ensures, through written policy, the following:

(A) a recipient of a citation is entitled to the same rights and obligations regarding appeal and dismissal of tickets as otherwise provided for citations issued under this chapter including the right to appear before a hearing officer to challenge a citation; and

(B) a citation issued under this section is issued according to the same guidelines that an officer would apply when determining whether or not to issue a citation for a violation under this chapter.

(3) The restrictions under Subsection (2) on the use of photo radar or an automated red light traffic enforcement system 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.

(4) A contract or agreement regarding the purchase, lease, rental, or use of photo radar or an automated red light traffic enforcement system by the department or by a local authority may not specify ~~[any]~~ a condition for issuing a citation[-] that provides that the compensation to the manufacturer or vendor of the photo radar unit or automated red light traffic enforcement system is based on the number of citations issued or a portion or percentage of the fines generated by the citations issued under this section.

(5) The department and any local authority using photo radar or an automated red light traffic enforcement system, upon request, shall make the following information available for public inspection during regular office hours:

(a) the terms of any contract regarding the purchase, lease, rental, or use of photo radar or an automated red light traffic enforcement system;

(b) the total fine revenue generated by using photo radar or an automated red light traffic enforcement system;

(c) the number of citations issued by the use of photo radar or an automated red light traffic enforcement system; and

(d) the amount paid to the person providing the photo radar unit or an automated red light traffic enforcement system.

~~[(6) A moving traffic violation obtained through the use of photo radar is not a reportable violation as defined under Section 53-3-102, and points may not be assessed against a person for the violation.]~~

**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

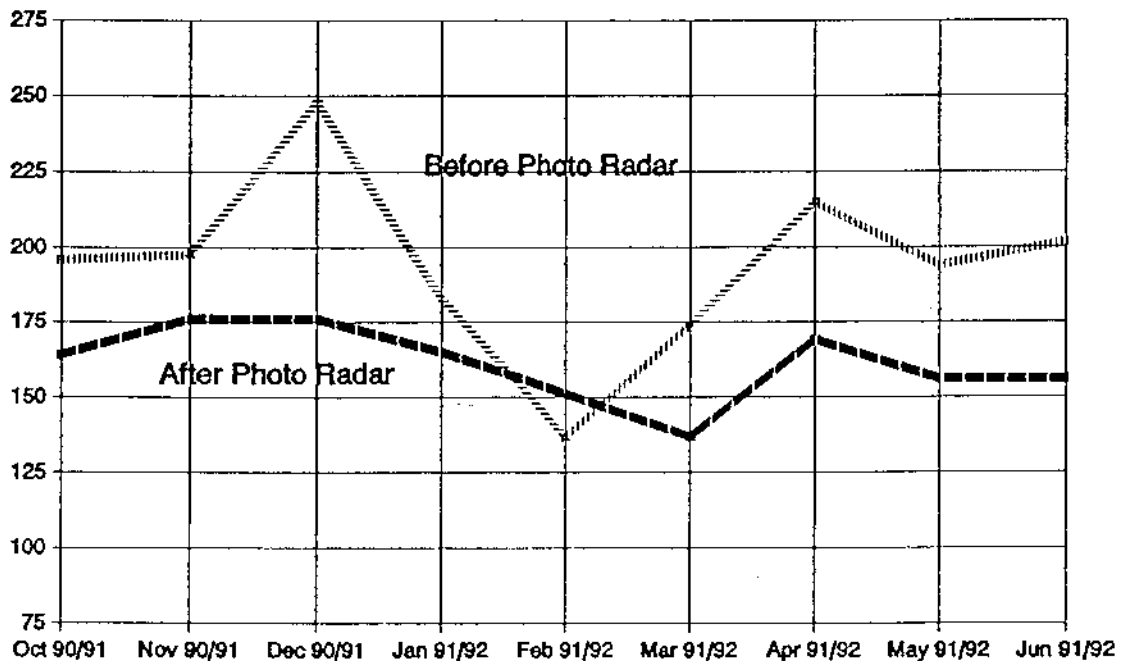
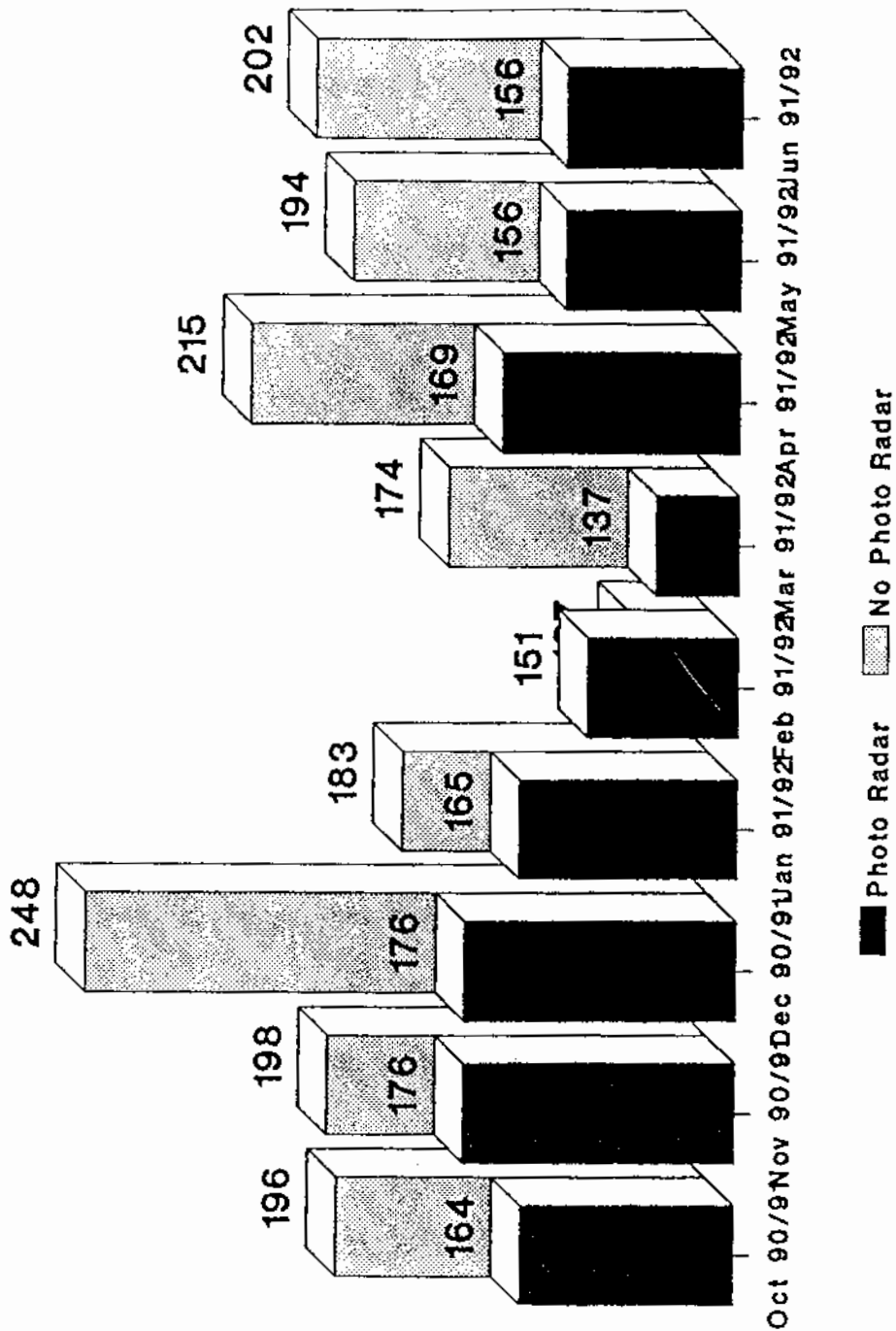
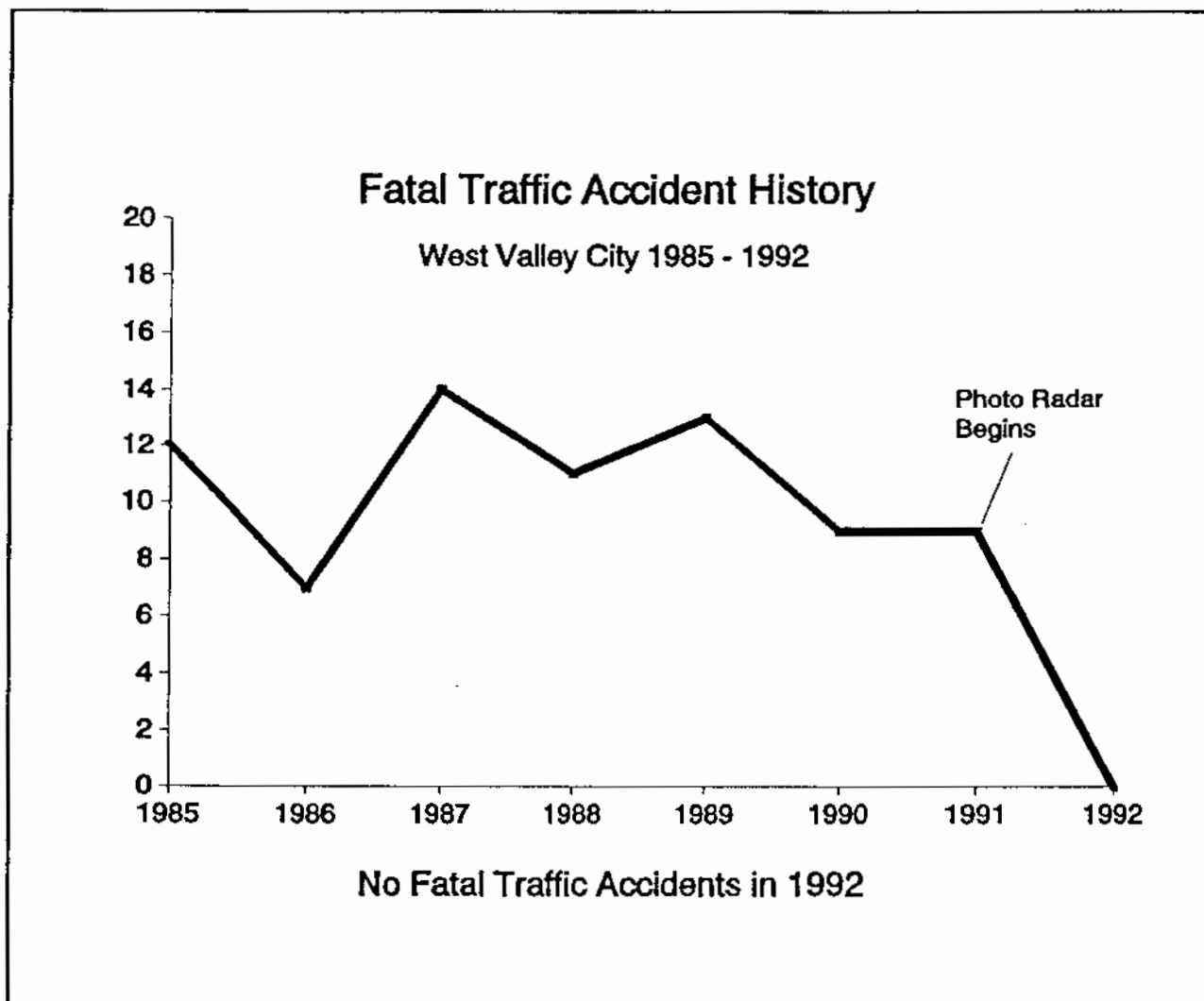


Photo Radar Traffic Accident Reduction West Valley City 1991-1992



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

PhotoRadar Injury Accident Reduction

West Valley City

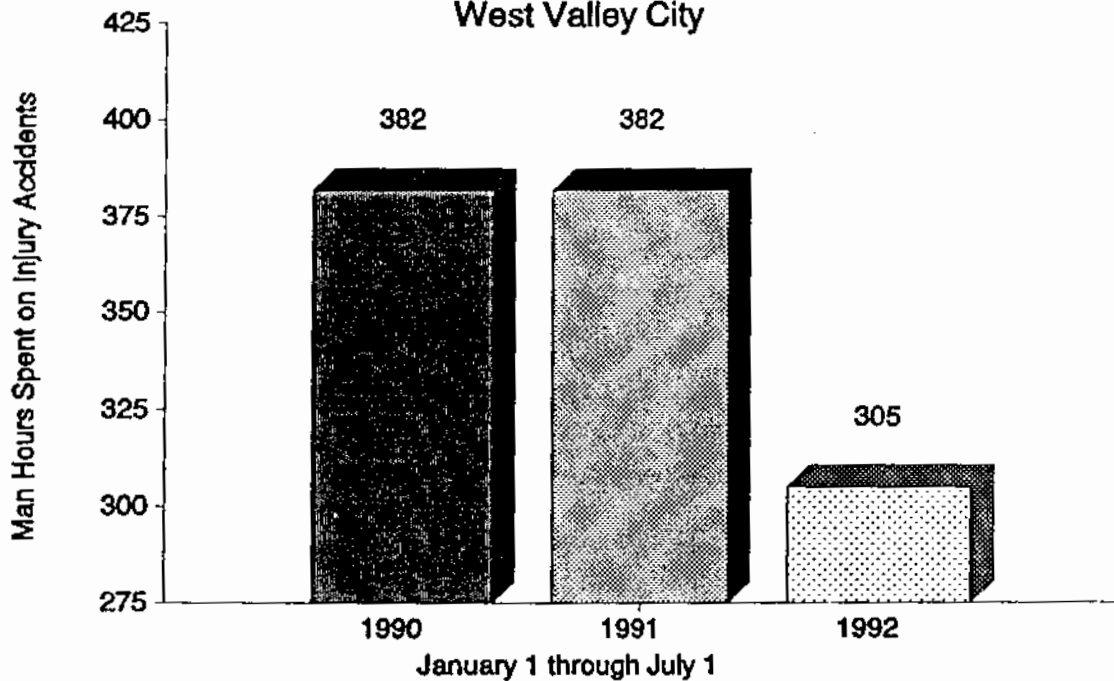


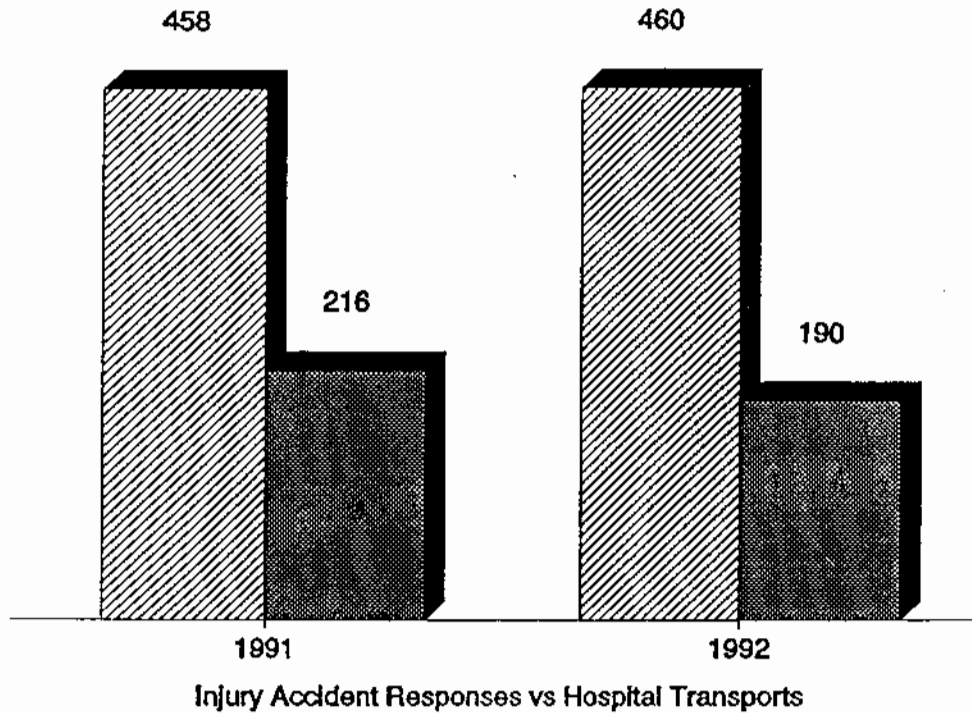
Photo Radar Began in October 1991

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.

**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.¹
- Speed increases the likelihood of fatalities in pedestrian and auto accidents and poses a general hazard for urban and rural communities.²
- Figures 1 and 5 illustrate the relationship between speed and the probability of fatalities for pedestrian and auto collisions.

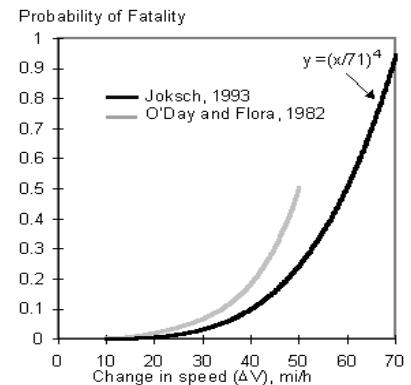
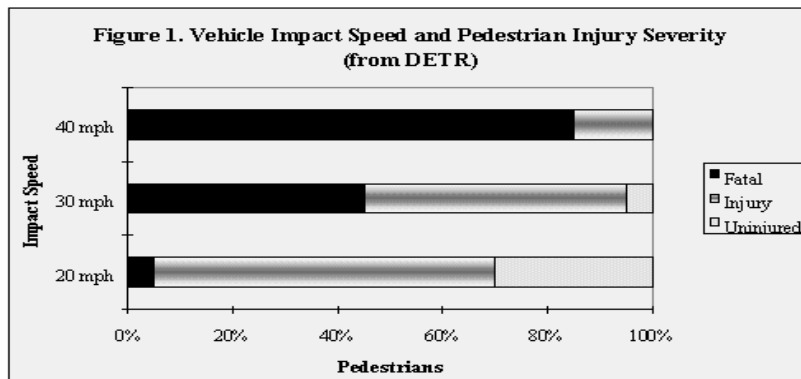
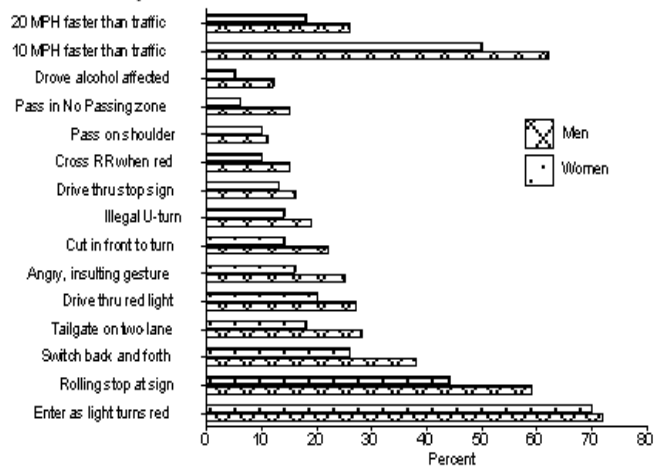


Figure 5. Effect of change in speed at impact on fatality risk.

- Nationally, red light running accounted for 5,951 fatalities from 1992-1998, and for 31 fatalities in Utah in the same time frame.³
- 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).⁴

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

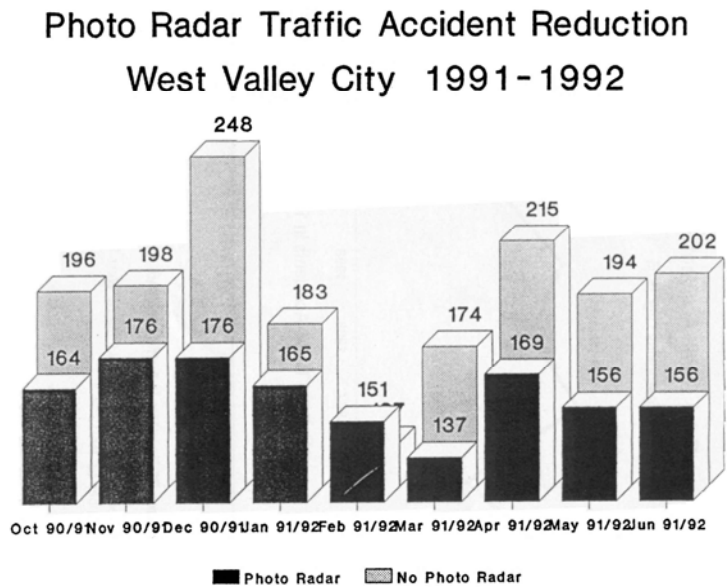


In short, red light running and speeding are very common, very costly in terms of lives and property damage annually, and make our streets more dangerous.

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.⁵ 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.⁶



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.⁷ 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.⁸

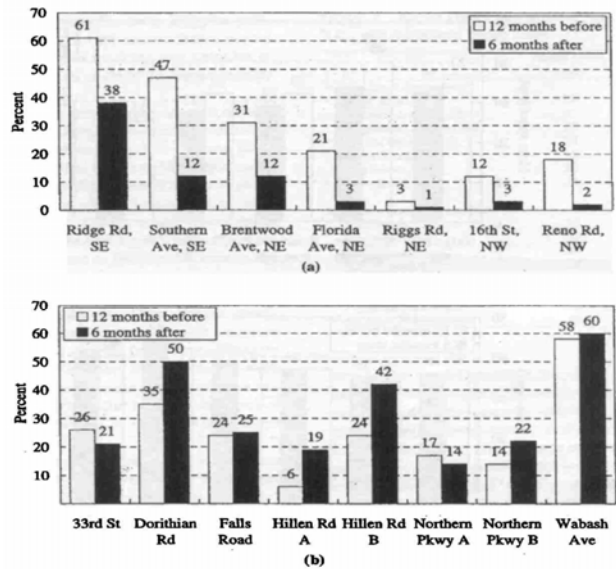
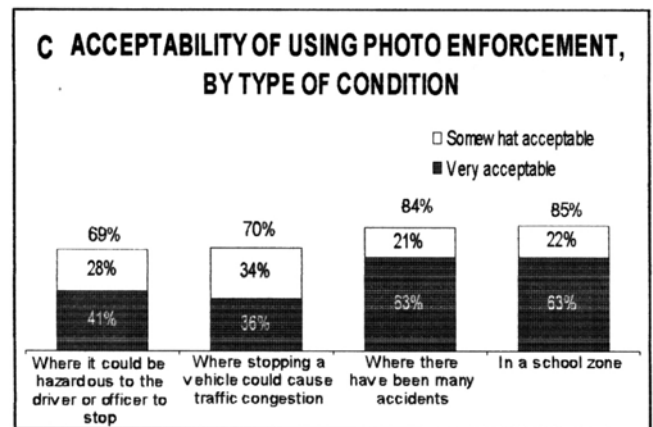
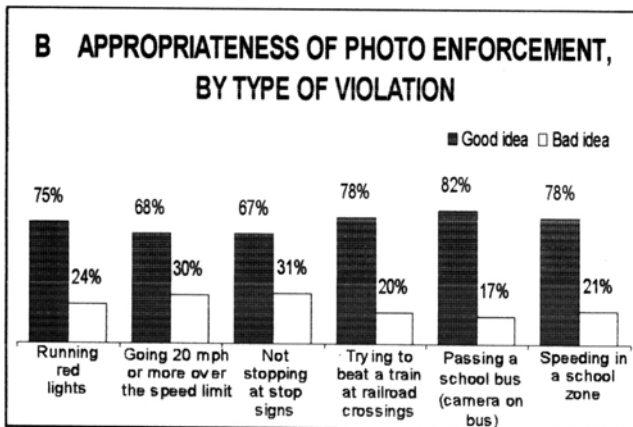


FIGURE 2 Percent of vehicles traveling >10 mph above speed limit: (a) Washington, D.C., camera sites, and (b) Baltimore control sites.



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.

¹ 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/>

² 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>

³ 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

⁴ 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>

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

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

⁷ 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.shtm>

⁸ 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

** 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		
Location	Reported Violation Reduction	Reported Crash Reduction
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		
Location	Reported Violation Reduction	Reported Crash Reduction
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