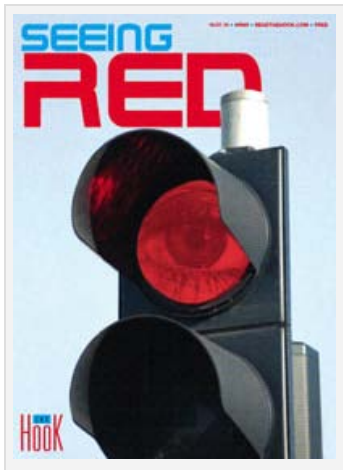


COVER- Seeing Red: Safety measure or cash grab?

By DAVE MCNAIR

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With the arrival of Charlottesville's first red light cameras comes the end of an honor system between drivers that has existed for decades, at least at one tricky intersection. Now it's come to this: tickets for red light running will be generated by machines, not cops. Welcome to the world of 21st Century law enforcement.

But is this a legitimate effort to promote traffic safety? Or simply a cash grab by a private company and local government? More importantly, will the cameras actually stop red light running or simply have local drivers seeing red?

At a press conference last month announcing the installation of four red light traffic cameras (capable of taking photos and "situational" video footage of vehicles, not drivers) at the intersection of Rio Road and 29 North, County officials emphasized it was an effort to "increase traffic safety" at the dangerous intersection.

It's an idea that has been discussed for nearly a decade, and after the Virginia General Assembly finally [passed legislation](#) allowing the use of the cameras in 2007, the County approved the Rio/29

system last year with little local opposition. The camera system will be up and running on October 11, with drivers given a 30-day "warning period" to get used to the new camera system.

As VDOT spokesperson Lou Hatter pointed out the last time the Hook wrote about red light cameras [Dilemma Zone: Are red light cameras the answer?, 2007], safety at intersections has always depended on human judgement. "It's basically an honor system," he said.

According to some Hook readers, who weighed in on the issue online last week, Charlottesville drivers haven't been honoring the system.

"I have never lived anywhere that has so many red light runners, or others with terrible driving habits," says a local motorcyclist. "I can almost guarantee witnessing one every time I go out for a ride through town."

At the September 22 press conference, County police officer Lt. Ernie Allen explained that red light running has become a problem at the busy intersection, where the sheer volume of infractions has made it difficult, and sometimes dangerous for officer to make stops. Indeed, back in 2007 County Lt. John Teixeira said it was "almost impossible" to enforce red-light violations at intersections like Rio/29 because officers can't safely pursue offenders through the intersection.



The intersection of Rio Road and 29 North. PHOTO BY DAVE MCNAIR

However, while Hook readers agree that red light running is a problem, not everyone agrees that red light cameras are the solution.

"While running red lights is a problem in this area, having cameras record it and mailing tickets out is wrong," says one reader. "I should have the right to confront whoever is writing the ticket."

That's a point the law recognizes. Unlike other traffic infractions, red light camera citations aren't "served" directly to individuals by police officers; they're mailed to the vehicle owner's address on file with the Department of Motor Vehicles. If it's a rental or leased car, its goes to the rental or leasing company.

While County officials point out that what's mailed includes an affidavit that a vehicle owner can submit claiming he wasn't the driver, and that drivers can challenge the ticket in court, there's a little something in the law they didn't mention: that the cameras will be owned and operated by an Australia-based company named Redflex, which stands to profit from the arrangement.

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The cameras will be highly visible and feature signs saying the intersection is camera enforced. FILE PHOTO

According to most state codes of civil procedure, Virginia included, a summons or complaint must be personally delivered. In Arizona, for example, the state's network of Redflex-operated speed cameras are coming down because those ticketed simply began tossing them out. According to Arizona code, motorists were under no obligation to pay the tickets unless they were personally served. It's a situation that has cost Redflex \$6.7 million in losses this year, according to an April 2010 letter to shareholders, and has the company has been petitioning the Arizona Supreme Court to change the law.

Here in Virginia, where the law was amended to accompany the new red light camera legislation, it's not so easy to get around the right to be properly served; even according to the [modified code](#), a driver ignoring the citation suffers no criminal penalty. The law requires the County to personally serve the citation if it wants to ensure collection.

Indeed, as a 2005 VDOT study on red light cameras theorized, because Virginia code requires the delivery of an in-person

summons to compel an individual to appear in court, unless red-light camera citations get hand-delivered, they could become "essentially unenforceable."

However, camera supporters argue that mailing the citation should be considered sufficient, as it is only a classified as a civil fine. While Virginia allows localities to assess a \$100 fine plus \$62 court costs and four demerit points for a conventionally-rendered ticket, a camera citation comes with a much lighter punishment: a \$50 civil penalty that doesn't go on one's driving record or affect insurance coverage.

"It's a very minor inconvenience to stop at a red light," says Leslie Blakey, executive director of the National Campaign to Stop Red Light Running. "It's so easy to avoid those tickets. I live in D.C., and I've never gotten a ticket."

However, Blakey, whose group represents a network of 'crash survivors, says, "It's not about convicting people, it's about changing driver behavior."



A Hook reporter caught a half-dozen red light runners on camera in about a half-hour, including this ambulance (not on call) and a U.S. Mail truck. PHOTOS BY DAVE MCNAIR



County cash grab?

Some Hook readers critique red-light camera systems as merely a way for the County to generate new revenue.

"These traffic cameras are a devil's deal between localities and corporate interests, sort of like a vending machine,"

says a reader. "The company supplies the equipment, takes the revenue, and gives the locality a cut of the profits. So the locality spends no money and gets a revenue stream. Priceless."

And here's the deal: the County is paying Redflex \$10,000 a month lease for the four



cameras at the first intersection. There are no up-front costs for installation. Anything beyond \$10,000 in ticket revenue collected by the County will go into the County's general fund to support police and other government operations, just as ticketing revenue does now. But here's what makes it an offer governments can't refuse: if the County only collects \$8,000 in a month, Redflex will take the \$8,000 and ignore the \$2,000 underpayment.

As for handing out tickets, that will be done by a County police officer, who will review the photos and

video of infractions sent by Redflex to determine if a ticket should be issued. Depending on the volume of tickets, County police say additional officers might be needed to review the infractions.

"We will not lose any revenue on this," say county spokesperson Lee Catlin, "because we're not obligated to pay the difference. They absorb the difference."

What is it they say about something that sounds too good to be true? Last year, a California Superior Court ruled that this so-called "cost-neutral" arrangement was illegal, as it cleverly side-stepped but still violated the state's ban— and, as it so happens, Virginia's ban— on compensating camera companies based on the number of citations handed out, therefore providing a financial incentive to catch more drivers. For example, if the County repeatedly came up \$2,000 a month short on its lease, Redflex would have a financial incentive to make sure the number of monthly citations increased. Additionally, the County has a financial incentive to go beyond that \$10,000 a month mark.

"We are not looking at this as a revenue generator," insists Catlin, "but rather are focused on this as a traffic safety initiative, we want to change dangerous driver behavior not ticket a bunch of drivers for illegal behavior."

However, according to the minutes of an April 8, 2009 Board of Supervisors budget meeting, Supes openly discussed generating revenue from the cameras.

Supervisor Dennis Rooker mentioned articles he'd read about the use of red light cameras and the revenue they can generate.

"It makes sense from a safety standpoint," said Rooker, "and it should be a revenue enhancer for law enforcement."



Drivers on Rio Road don't have much time to get across Route 29. The green lights are just 10 seconds long and the yellow lights are just 5 seconds. PHOTO BY DAVE MCNAIR

County attorney Larry Davis, however, rained on Rooker's parade by pointing out that Virginia law made that kind of enhancement more difficult because there is a "one-half second delay required" after a light turns red before a camera can snap pictures, "which eliminates a lot of the close cases." Davis also pointed out that the use of red light cameras is limited by population size--- just one intersection per 10,000 residents--- "so that would mean just a few for Albemarle."

Asked about those comments Supervisors' meeting, Catlin concedes that the County is "aware of the possibility of some level of revenue generation," but she says the revenue would likely be limited to the early months as drivers struggled to get used to the devices.

"We are much more focused on the traffic safety aspect," says Catlin, "given the number of

crashes at that intersection."

Of course, the County may also want to be wary of its corporate partnership. In New Orleans, Redflex is suing the Jefferson Parish for withholding payments from the company. As Parish officials pointed out, the payments were being withheld to cover the cost of lawsuits filed by drivers opposing the legality of the cameras.

What's more, the Hook learned that the National Campaign to Stop Red Light Running, which features crash videos online and survivor testimonials, is funded by a company in the red light camera industry called Affiliated Computer Services, which was recently acquired by Xerox. The Campaign was founded to combat former U.S. Rep. Dick Armey's outspoken opposition to red light cameras. It's also managed by a high-powered Washington, D.C. public relations firm founded by Marion Blakey, a high-level executive who has headed such agencies as the Federal Aviation Administration and the the National Transportation Safety Board.

How dangerous?

According to County officials, they've been authorized to install cameras systems at 9 locations in this county of approximately 95,000 residents. And before cameras can be installed, the law requires an extensive VDOT engineering study to examine signal timing, crash volume, traffic data, and other characteristics of the intersection.

According to the most recent National Highway Traffic Safety Administration data, Albemarle suffered 67 traffic fatalities between 2005 and 2009. Nine of them--- about 13 percent--- occurred at intersections.

According to the County's figures, there have been 185 crashes at the Rio/29 intersection between January 2006 and 2009, 24 of which have involved running a red light. Four accident reports indicated that alcohol was a factor, while 9 accident reports were left blank or marked unknown concerning alcohol. None of the crashes resulted in any fatalities.

Of course, every good driver is a defensive one, never takes anything for granted, and would never trust a light to let them know an intersection was clear. They assume they're on the road with buffoons.



"If you think this is just about revenue and you don't want to pay, well you don't have to," says motorists Kevin Cox. "It's really simple, just stop for the red light." PHOTO BY DAVE MCNAIR

"I look both ways when the light turns green," says local photographer Bill Emory. "Have ever since a friend lost both his parents when a red light runner t-boned their car."

Regarding the new red light cameras, Emory says, "book 'em, Danno."

"If you think this is just about revenue and you don't want to pay, well you don't have to," says motorist Kevin Cox. "It's really simple, just stop for the red light. I'm happy to see the police use this technology to enforce laws that protect the public safety."

But do red light cameras really make intersections safer?

"It depends on the particular intersection," says John Miller, a research scientist with the VTRC, the Virginia Transportation Research Council, and co-author of a 2007 study of the impact of red-light cameras on crashes in Virginia.

As Miller points out, there have been other studies on the effectiveness of red-light camera systems at preventing crashes, and they all tend to agree on this: that dangerous side-angle and t-bone crashes generally decrease, that rear-end crashes generally increase, and that overall crashes increase (because rear-end crashes happen more frequently). Oftentimes the findings are turned on their heads by specific intersections that see a general increase in all types of crashes regardless of the cameras.

At the September press conference, County officials and police acknowledged that there could be an increase in rear end crashes, but said they hoped that would taper off once people got used to the system. Unfortunately, the research doesn't appear to support that kind of optimism.

The VTRC study--- which analyzed more than 3,500 crashes at 28 intersections with cameras and 44 intersections without cameras--- found that potentially lethal angle and side-impact crashes at camera-equipped intersections decreased by 42 percent, but that rear-end crashes increased by 27 percent. Total overall crashes went up 12 percent, as rear-end crashes happen 4.4 more times than angle crashes.

It's not hard to figure out why.

As traffic engineers have pointed out, when a driver approaches a yellow light, there's a natural "dilemma zone" when the timing of the approach can make it difficult to decide to stop or go. While still anxiety-producing, even responsible drivers are more apt to cruise, or even speed up, through this dilemma zone at non-camera intersections. However, at intersections with cameras, drivers are more apt to slam on the brakes rather than risk getting an unwanted snapshot of their vehicle. Of course, this can keep potential red-light runners from entering the intersection, hence the decrease in angle-crashes, but it can also create more problems on the approach.

The VTRC study also found that red-light-related crashes in Fairfax County decreased at four intersections studied (as much as 40 percent at Route 7/Carlin Springs), but increased at 5 intersections studied (as much as 62 percent at Leesburg/Dranesville), proving that it's hard to quantify any benefit of red light cameras.

"Every intersection is different," says Miller.

Drivers are different, too. Compared to the Washington, D.C. drivers studied by the *Washington Post* in 2005, drivers from Northern Virginia in the VTRC study appear almost timid. The *Post* investigation found no noticeable difference between the number of accidents at intersections with cameras and at intersections without them. Worse, the investigation found that accident rates at intersections with cameras had actually doubled since 1998.

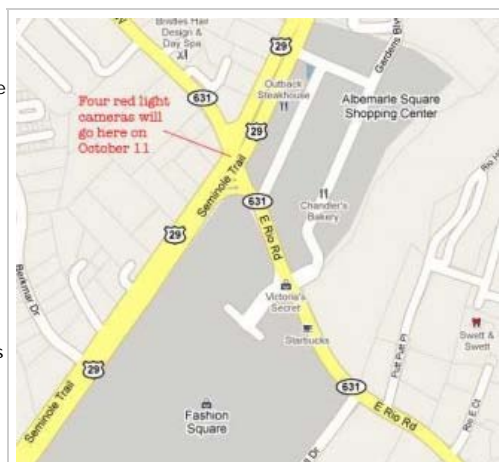
"Every study has its limitations," says Miller, pointing out that the VTRC study only studied intersections and drivers in Northern Virginia, and was compiled several years ago.

Basically, the study concluded that red-light cameras are a viable option because they are "associated with some benefits," but shouldn't be "implemented on a widespread basis" without first studying the particular intersection. Not exactly a glowing recommendation.

Studying the Rio/29 North intersection

At the September press conference in Albemarle, County officials said that the safety analysis on Rio/29 North showed that "clearance intervals were set appropriately" at the intersection, a finding that might surprise some local motorists.

"This is an intersection with pathetically short green and yellow lights for it's size," says one Hook reader. "I've been the third car in the left turn row on Rio, entered the intersection with a green light, and not gotten across before it turns red."



The intersection of Rio Road and 29 North is the first of 9 intersections where the county wants to install red light camera systems. FILE PHOTO

Indeed, a 2007 Hook video of that approach shows several cars in the intersection while the light is red, including a school bus that appears to enter on red. The green light lasts for approximately 10 seconds, the yellow appears to last for 5 seconds.

Recently, a reporter found himself in the left-hand turn lane at the Pantops intersection of Route 250 East and Stony Point Road (another intersection eyed by the County for a camera system) at around 5pm and didn't get through the intersection until the light



Sixteen-year old Sydney Aichs was killed by a red light runner at the intersection of Ashwood Boulevard and Route 29 on the morning of May 9, 2008. "I don't understand people opposed to red light cameras," says her mother Michelle. PHOTO COURTESY MICHELLE AICHS

had changed four times. Given this situation, the temptation to speed up through a yellow light can be strong.

Based on data from an informal Hook study conducted around Noon on a weekday, yellow lights at all approaches are set at 5 seconds. Heading east on Rio, the green light still lasts for approximately 10 seconds, the right-turn light about 12 seconds, and 10 seconds for the left-lane green light.

Heading west on Rio the green light lasts a little longer, about 13 seconds, while the right-turn light stays green for a whopping 34 seconds. The left-hand light stays green for just 10 seconds. For traffic heading north and south on 29 the green light last approximately 34 seconds. Of course, there's also that required half-second delay between light changes.

During the time we spent at the intersection, we noticed that when drivers approach a red, even on a right on red, they are generously cautious (although many do rolling stops). However, when they approach a green/yellow light, especially when planning to turn right on red, many drivers hurry through, even after the light has turned red, desperately trying to beat the light.

Last June, ahead of the August Supervisors vote to install cameras, County police tracked red-light runners at the Rio/29 intersection, spotting 121 violators in a 12-hour period. In the Hook study, which spotted about a half-dozen violators on camera in less than an hour, including an ambulance and a U.S. mail truck, all were for making a right on red turn without coming to a full stop.

What about extending yellow light times?

VDOT makes it clear in their guidelines: shortening the yellow light time increases the likelihood that a driver will run a red light, while adding a second or 1.5 seconds to yellow light time "has been shown to reduce the number of red light violations."

Indeed, as a study by the Texas Transportation Institute revealed, adding just one second to intersections with short yellow cycles resulted in a 53 percent decrease in red-light running. However, other studies have shown that lengthening yellow times *and* adding cameras can reduce red light running by as much as 90 percent.

The Texas study also showed that most red light camera tickets mailed out go to "split-second" and "rolling stop" offenders, meaning those who either get caught just as the light turns red-- or in Virginia's case, just after the 0.5 second beat-- and those who do not come to a full stop when making a right-on-red. Both happen to be the least dangerous kind of red-light running.

However, lengthening yellow-time also presents a dilemma for highway engineers, charged as they are with keeping traffic moving.

"Short green cycles at intersections like Rio are the result of trying to keep traffic moving on 29, especially after they synchronized the lights," VDOT's Hatter told the Hook, adding that even the smallest time adjustment on the lights along 29 could snarl traffic. "Remember, it's a major highway."

What's more, cynics say municipalities can be tempted to reduce yellow light times at camera intersections to boost ticket revenue. Indeed, the National Motorists Association lists six cities caught doing this, including Dallas, where that Texas city's highest revenue intersection had a 3.15-second yellow light--- 0.35 seconds below the state's minimum requirement. Later it was discovered that twenty-one camera intersections had yellow light times below the minimum.

Mission creep

Slippery-slope concerns have also been raised. As the American Civil Liberties Union points out, "Government and private-industry surveillance techniques created for one purpose are rarely restricted to that purpose."

In France, Germany, and England, for instance, where police began using red-light and speeding-ticket cameras in the late 1980s, the technology evolved to include 24/7 video surveillance cameras on street corners. Once cameras are installed in Virginia, what's to keep them from being used to gather other information?

Indeed, while County officials say the cameras will only be used to enforce red-light-running and rolling-stop infractions, and the state requires deleted the images 60 days after the fines have been paid, what if authorities overstep?

What if the cameras show a stolen car? What if a photo or video shows the hit-and-run of a pedestrian or captures an image of a killer on the run?

Who would argue with that kind of mission creep? And if the cameras prevent just one deadly t-bone crash, wouldn't we be willing to give up a little privacy?

"People are getting a little over the top with privacy issues," says Michelle Aichs, a mom who knows just how deadly t-bone crashes can be. "You're out in public with your car, people."

In Phoenix, Arizona, where Aichs grew up, she says red light cameras have been around since the early 1980s.

"Charlottesville, I think, tends to be a little on the conservative side," says Aichs, "about taking steps into the future."

Despite all the arguments against red light cameras, try telling the parents of a high school student killed in an intersection after being on the wrong end of a t-bone crash that red light cameras violate your civil rights or make private companies like Redflex rich--- especially when almost all the studies show that the cameras reduce t-bone crashes.

Here in Charlottesville, who can forget what happened to high school junior Sydney Aichs on the morning of May 9, 2008. As she drove to school for an advanced placement exam, the 16-year-old was making a left turn on a green light from Ashwood Boulevard onto Route 29 when her car was crushed by a red-light-running tractor trailer heading northbound. She died at the scene.

"I don't understand people opposed to red light cameras," says Sydney's mother Michelle. "You know when you've run a red light. And what difference does it make to run one? You'll just have to stop at the next light. That's what makes me angry."

"No one wants to be on the other side of a t-bone crash, either," says Michelle Aichs. Indeed, the man whose actions killed her daughter is now serving a two-year prison sentence for involuntary manslaughter and was hit with a multi-million-dollar wrongful-death jury verdict.

Asked if she thought a red light camera system at the intersection of Ashwood Boulevard and Route 29 might have saved her daughter's life, Aichs admits it's a hard question.

"I don't really know," she says, pointing out that it came down to a split second decision by a single driver. "He saw that light turn red and thought he could make it through."

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