

# Red Light Cameras in Collier County: Citizens Assessment of Need and Effectiveness

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## *Abstract*

*The Collier County Commission has passed an ordinance (8-22) allowing for the installation of red light cameras at Collier County intersections for the purpose of traffic enforcement. Red light cameras have already been installed in many other jurisdictions nationwide. The reason for installation varies from enforcement and crash reduction strategy to cost savings on enforcement techniques. The studies produced to look at the effectiveness of the cameras vary widely in their assessments as do the many articles written about the subject. This study surveyed Collier County citizens about their views on the necessity, effectiveness, reliability, and trustworthiness of red light camera systems prior to their installation.*

## Introduction

The red traffic light is an international symbol that is recognized by all who see it to mean stop. Although nearly every five year old child can relate from a very young age that a red light means stop, the problem of red light running by adults causes over a thousand traffic related fatalities each year and over one-hundred seventy thousand more injuries in the United States. As technology increases and budgets of law enforcement agencies shrink many jurisdictions are rethinking the process of red light traffic enforcement.

Red Light Cameras have been used in many jurisdictions to replace or supplement law enforcement officers in issuing citations for this violation. Red light cameras have the ability to capture this violation and jurisdictions can send punitive violation notices to the violators. All of this is done without any personal contact between violators and law enforcement. The thought process is that people will stop running red lights if they believe they will be caught on the camera and punished with an electronic citation thus decreasing the incidence of red light running and in turn the crashes, injuries, and resulting fatalities. All of this is done without the very expensive law enforcement officer in the mix many times with the use of a public/private partnership.

The acceptance and response from citizens to this technology appears to be a mixed bag. The desired effect of crash reduction has also proved an elusive statistic to capture and prove. The writer's interest in this issue comes from being the Safety and Traffic Enforcement Bureau Lieutenant with the Collier County Sheriff's Office. Collier County is in the beginning stages of red light camera enforcement implementation. The County Commission has passed an

ordinance (Appendix B) allowing for the technology to be utilized, although as of this writing the technology has not been installed. The desire of the writer is to determine the citizen assessment of need and perceived effectiveness of red light camera enforcement, and their level of trust in both the Government and the Private sector with respect to this issue.

## Literature Review

### *Reducing Crashes*

Red light running is the act of a motorist entering the intersection after the signal for such entry has turned to a solid red light (MUTCD, Federal Highway Administration, 2003). One of the main reasons cited in almost every jurisdiction's desire to implement a red light camera enforcement program has been crash reduction caused by the violation of running a red light at an intersection. Secondary is typically some cost savings by doing it without more law enforcement officers on the street. Many researchers have attempted to study this issue by looking at statistics before and after red light camera installation at intersections. Studies of this topic vary wildly in their findings.

In a study conducted in Fairfax County Virginia at five intersections before red light cameras were installed it was recorded that approximately every twenty minutes a motorist ran the red light at each intersection. It was also noted that the problem worsened during peak travel times.(Retting, Williams, Farmer, Feldman, 1999, Fairfax) In another study of nineteen intersections in four states without the red light camera treatment the number was 3.2 violations per hour at each intersection.(Hill & Lindly, 2003). These numbers appear to be fairly constant throughout the literature.

In 1999 and 2000 it is estimated that twenty percent of drivers involved in fatal crashes at traffic signals failed to obey the signals. It is also noted in the same study that about half of the deaths in red light running crashes are pedestrians and occupants in other vehicles who are hit by the errant motorists. This study also points out that motorists are more likely to be injured in signalized intersection crashes than any other type of urban vehicle crash. (Brittany, Campbell, Smith, & Njam, 2004). It is these statistics that have drawn attention in communities who are still adding red light cameras to their arsenal of law enforcement options.

In July 2004 an article published for the Urban Transit Institute and sponsored by the United States Department of Transportation looked at over 17,000 incidents in a 57 month period at over 300 intersections (Burkey & Obeng, 2004). The end result was that the researchers did not find a decrease in crashes, and or injuries as a result of red light cameras. They instead found a trade off of rear end crashes to right angle crashes with injuries and property damage rates increasing instead of decreasing. These results have been

documented in several studies leaving some to believe the program does not work.

In Washington, D.C., cameras were placed at 45 separate intersections. An examination of the results of those cameras in those specific intersections was found to have increased crashes according to the news paper there. After examination it was found red light violations decreased during the same period causing many to question the validity of the study. The facts of the statistical review caused the paper to come to the conclusion the cameras did not work as they were intended to. The Chief of Police looked at the same data and concluded that the data set was misinterpreted by the news paper and concluded that the increase in crashes is the result of growing traffic volumes. This argument is repeated in the results of almost every study on this issue. (Wilber & Willis, 2005)

In one of the most comprehensive studies done on the issue of red light camera enforcement, the University of South Florida researchers concluded that red light cameras actually increased crashes and injuries at intersections. Their findings indicate that the previously held notion that there is a beneficial trade off between the number and types of crashes that occur at red light camera intersections is not actually a benefit. They found that the rear end crashes and other types of crashes that seem to be the result of cameras at intersections do not show the previous cost benefit at all and are just as injurious. They argue that there is also a possible public policy conflict of interest between generating revenue and public safety. (University of South Florida, 2008). In 2007 the Virginia Department of Transportation came to the same conclusion and suggested the results were in the neighborhood of a twenty nine percent increase in crashes associated with the red light camera enforced intersections. They also did not find any cost benefit to the trade off of right angle crashes, most typically caused by running a red light to the rear end crashes that resulted from the camera placement. (Garber, Miller, Eslambolci, Kahndelwal, Mattingly, Sprinkle, & Wachendorf, 2005)

It should be noted that many studies also show that red light cameras have substantially reduced the incidence of red light running at intersections in some jurisdictions. Oxnard, California reported a forty percent reduction in red light running after installing red light cameras at intersections (Retting, Williams, Farmer, & Feldman, 1999, Oxnard). It is also important to note that many of the studies show a spill over effect of a positive nature where violations also decline in the same communities at intersections that are not equipped with cameras. Oxnard also recorded a significant decrease in the type of traffic crashes most closely associated with red light running. This study credits the cameras with a forty to fifty percent decrease in violations and twenty five to thirty percent decrease in injury crashes. (Retting, et al, 1999, Oxnard)

### *Possible Research Flaws*

Many of the studies of red light camera enforcement used very similar methodology to collect data. Most use a standard before and after approach.

They have taken a time period at an intersection before the installation of the red light camera systems to collect data and they used a similar period after the installation and simply compared the data with intersections in the same jurisdiction that did not have cameras installed. Flaws have been noted as some of the studies have failed to normalize the data accounting for volume differences before and after the cameras were installed. (National Highway Safety Administration, March 2003) Similarly some studies have also failed to take into account the spillover effect a red light camera enforcement program may have on other intersections in the same jurisdiction. Many jurisdictions do not simply install the cameras and send out fines. Most dedicate funds and resources to some type of educational objective to alert drivers to the issues associated with red light running. They also typically erect signage both at the camera equipped intersections and at other places in the jurisdiction telling motorists that camera enforcement is a possibility while driving in the jurisdiction. This practice has a possible effect on motorist habits within the jurisdiction. It is not clear what effect this has on the statistics both at the camera equipped intersections and those intersections without that are used as base line intersections for many studies. It is also noted that many intersections receiving red light cameras have had notably high crash rates resulting from red light running in the past which made them good candidate locations for the cameras in the first place. The USDOT has noted that many intersections chosen due to high crash histories are likely to show "regression to the mean" and show lower crash histories in the future even without treatment (National Highway Safety Administration, March 2003).

Some of the studies used injury and crash data from signalized intersections not specifically related to red light running. When the data was collected it was all of the crash data for the intersection and not just the data specifically related to crashes definitely caused by red light running. Law enforcement agencies use different scales to rate injuries on crash reports. This difference causes flaw in the data when used across jurisdictions.

### *Alternatives to Red Light Cameras*

Red light cameras are certainly not the only answer to solving the problem of red light running. There are many alternative programs that have produced very good results when used in conjunction with red light cameras and alone. The typical way is through law enforcement contact on scene with violators. This method has always posed a safety problem for the officer and others due to the officer needing to follow the offender through the light to apprehend and cite. This also caused congestion in peak travel times due to onlooker delay. It can also be a very costly way to handle the issue.

One of the most promising treatments to the problem has been lengthening yellow light timing at intersections with red light running issues. When this is coupled with the red light cameras it appears to enhance the positive effects of both. In Philadelphia, Pennsylvania red light crashes at intersections were reduced by thirty six percent by lengthening the yellow light timing alone allowing for increased decision making time for motorists. When

Philadelphia added red light cameras to the same intersections red light violations were reduced a total of ninety six percent. (Retting, Furgeson, & Farmer, 2008)

### *Citizen Acceptance*

There is very little logical supported argument that red light camera technology can capture the violation accurately. Most vendors now offer multiple cameras at the same intersection that show the offending vehicle, license plate, red light, and stop bar of the intersection. With all of the views it is clear that the vehicle entered the intersection after the light turned red. There is also very little outcry about invasion of privacy. Due to driving being a regulated activity occurring in a public place there is very little expectation of privacy. Driving is also a licensed privilege and motorists have already agreed to abide by certain rules when they obtained their driver's license.

Some acceptance is fueled by the fact that most citations are written as simple civil penalties, like a parking citation, and do not carry points or insurance cost implications like other traffic infractions. A 2000 study conducted in ten cities produced surprisingly high citizen support. Five cities without camera programs and five cities with red light cameras were surveyed. The results were that seventy five percent of Americans support the use of red light cameras for safety (Retting & Williams, 2000). These same results were echoed in a 2002 survey conducted by the National Highway Transportation Safety Administration (National Highway Traffic Safety Administration, 2004.)

The only item that seems to give citizens pause in acceptance of red light cameras according to the literature is the use of private companies to install and maintain the red light cameras and in return share in the revenue generated by the issuance of the fines. Even if the majority of the citizens agree that red light cameras are useful and approve of their use in combating red light running they almost all seem to agree that if there is money to be made, there is corruption to be found. So far, in the US all red light traffic camera programs have been some mixture of public private partnership. The problem comes when the point to issue the citation is decided upon. Many cities use a delay, after the light turns red. The delay benefits the motorist but lowers the revenue for the company who has installed the camera and runs the program. Due to the relative infancy of most programs long term costs can not be calculated. In a 2002 report California's State Auditor reported that only two of the state's seven programs would break even or better (California State Auditor, 2002). The U.S. General Accounting Office had similar findings in 2003 when it reported on local use of federal funds for the programs. The finding was almost neutral with very few jurisdictions reporting revenues exceeding program costs (U.S. General Accounting Office, 2003).

The questions that remain in Collier County are: 1) do citizens support such a program being implemented locally? 2) What effect do they believe the program will have locally? 3) Will they support such a program once the fines

begin to be levied on our citizens? 4) Do they trust in the public/private partnership?

Citizens of Collier County were surveyed on this issue to determine their response.

## Method

The purpose of this study was to determine the desire of Collier County Residents and visitors to have Red Light Enforcement Cameras installed to alleviate the red light running problem as well as their opinion on the current technological capability and the trustworthiness of the systems and the public/private partnerships that run them. The data was collected through surveys given to citizens in Collier County.

Local citizens were surveyed in an attempt to get a meaningful cross section of the local population. Due to Collier County being a year round vacation destination with a large population of part time residents and visitors some part time residents and visitors have been included in this study. It is a fair representation because they are a part of the driving public locally on a year round basis and subject to the laws and fines in place.

An attempt was made to be as vague as possible about the origin of the questionnaire prior to the respondent finishing the survey instrument to maintain anonymity of the researcher and so as not to influence the answers to the instrument itself. No one was told the researcher was a Law Enforcement Officer either before or after the survey was completed.

The population of Collier County fluctuates from under 300,000 residents in the off season to about 500,000 in full season. 80 surveys were handed out to random residents at several different locations to try and reach the population evenly. Due to the population not being as diverse as in some locales of Florida, the writer believes the surveys accurately reached the intended audience.

The criterion for selecting the sample was completely random. All 80 surveys were handed to the respondents in open public places and businesses open to the public and then collected when finished. None of the respondents were asked any qualifying information prior to filling out the instrument. All 80 were recovered making the sample one hundred percent returned.

The survey instrument itself is a short eleven question instrument that was written for brevity and ease of understanding. Very few of the respondents needed help understanding the instrument. Very little help was given to that process. Each person handing out the survey was instructed to ask the person to participate and leave it at that if possible. None of the respondents were told the researcher was a Law Enforcement Officer.

Seven questions were dedicated to red light running and red light technology. The rest of the questions were personal and demographic data related to, driving habits, residence status, and age, and gender of the respondent. The questions were designed both to answer desire and perceived

necessity of this type of enforcement in Collier County, and also to illustrate the type of cross section of the population obtained during the survey process.

The age and gender questions are included in the research because the insurance industry of the United States have committed large amounts of money to research driving habits of men and women as they age. Insurance costs are largely based on these two factors so the researcher thought it may be important to know that of the respondents.

## Results

Respondents were asked to rate their perception of the problem of red light running in Collier County on a scale from 1-10. This information serves a base for their thoughts on how important the issue is in the first place. Forty-Six of the respondents (57.5%) rated the problem with more than a 7. Twenty-five respondents (31.25%) rated the issue from 5-7, and only nine (11.25%) rated the issue less than a 4 in severity on a scale of 1-10.

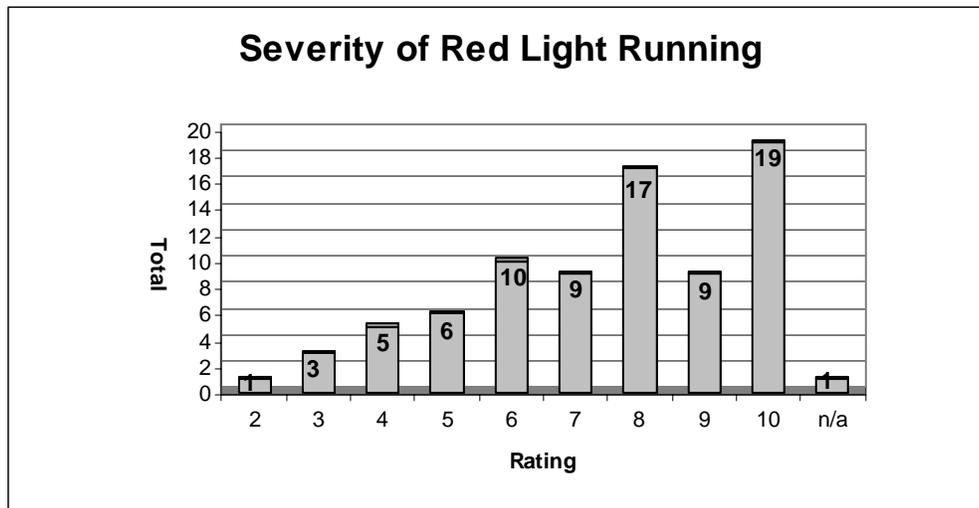


Table 1

They were also asked if they were in favor of the installation of the Red Light Camera Technology. The question was actually stated “Why do you favor/not favor the installation of Red Light Cameras at Collier County Intersections?” The question was stated in an open format with room for respondents to give the reasons why they are for or against the technology. Less than half of the respondents gave a definitive answer. Twenty-two people (27.5%) said that they favor the installation. Sixteen (20%) said they do not favor the installation. There were 42 responses (52.5%) that were non-committal or gave an answer that was not able to be interpreted as totally positive or totally

negative. Of the positive or in favor responses many of the narratives were pro law enforcement and made a connection between the installation of the cameras and a decrease in crashes or increased safety. Of the negative or not in favor responses fears included invasion of privacy from a “big brother” system and the fact that the fines go with the car instead of the driver.

Question four was designed to find out what level of faith the respondents have in the ability of the technology to work. Forty-one (51%) said they believed the Red Light Cameras are capable of accurately capturing the violations at the intersections. Twenty-five (31%) believe the cameras can not accurately capture the violation, and fourteen (18%) do not know if the systems are capable or not. There was no discussion about the type of technology in this question. The researcher relied on prior knowledge of the respondent of the available technology. The local newspaper and television stations have run stories on this issue many times in the past year.

Question five asked respondents why they thought the County Government was installing the red light cameras in the first place. They were given three choices and a space for a narrative titled “other” with space to write in why they personally thought Collier County was putting the Red Light Cameras at intersections. The three choices were, “they wish to reduce incidents of red light running and crashes”, “they wish to reduce the costs of red light enforcement locally”, and “they wish to make money from red light runners to increase revenue” in that order. Respondents were asked to rank 1, 2, and 3 in the order in which they believed to be proper. Fifty-nine (74%) of the respondents chose those three options with very few writing a narrative. Most of the narratives were in support of one of the three choices. Twenty-one respondents (26%) did not answer the question correctly or make three choices. Sixty-two respondents (78%) chose “they wish to reduce red light running and crashes” as their number one choice.

Questions six and seven were both designed to personalize the red light running issue. The researcher also thought it might provide some insight into the subjective questions as well. The charts below indicate the answers to questions six and seven.

Six asked respondents to indicate when was the last time they ran a red light, and broke it down into time periods. The Chart below breaks down the answers given. The answers were as follows:

- a. past six months
- b. past year
- c. past five years
- d. over five years ago
- e. never

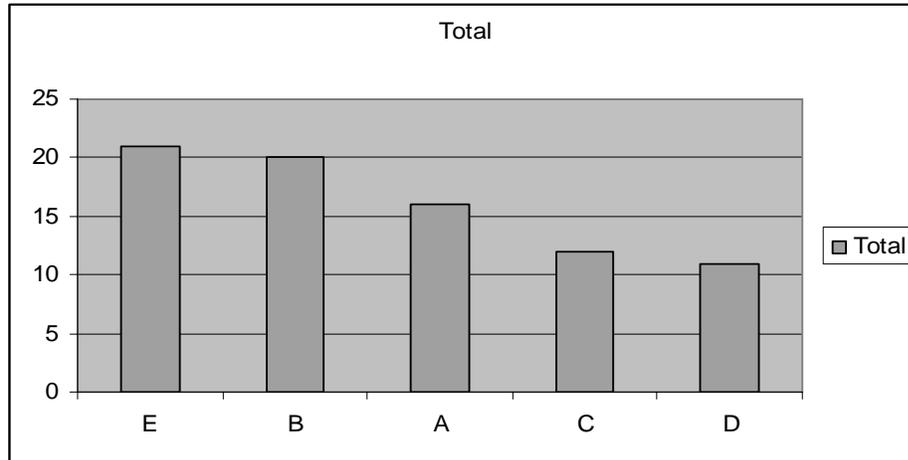


Table 2

### Last Time Respondents Ran a Red Light

Question seven asked, “Have you been issued a citation for a red light in the past? It had the same time frame break down as did question number six. The answer to this question seemed to hit home on the issue of red light enforcement. Seventy-one (89%) of the respondents claimed to never have been issued a red light citation while fifty-nine (74%) admitted to having run a red light, clearly showing a lack of enforcement on this issue.

In the study respondents were also asked if they believe a private company can be trusted to administrate this service when oversight is conducted by County Governmental Agencies. The answer was no. Fifty respondents (63%) answered no with another nine (11%) being non committal. That left a very small percentage of the respondents (26%) believing that the private sector could be trusted to participate in this program as a good partner.

The question concerning the proposed \$125.00 fine addressed the fairness of the dollar amount of the fine considering it did not carry any points with it as does a regular Law Enforcement issued citation. There was also a space for comment simply marked “why”. Fifty-seven (71%) of the respondents thought the fine was fair in this instance. Of the narratives that were included most were positive along the same lines as the yes/no answer. Of the most popular comments with “no” answers was that the fine should be given to the driver not the vehicle owner which is not possible with the current technology or Ordinance in Collier County.

An analysis was done on each question regarding the effect of age group, gender of the respondent and amount of time living in Collier County. No statistically significant pattern was found for any of these variables in the answers of the respondents for any of the questions. Below is a breakdown of the age groups and gender of the respondents.

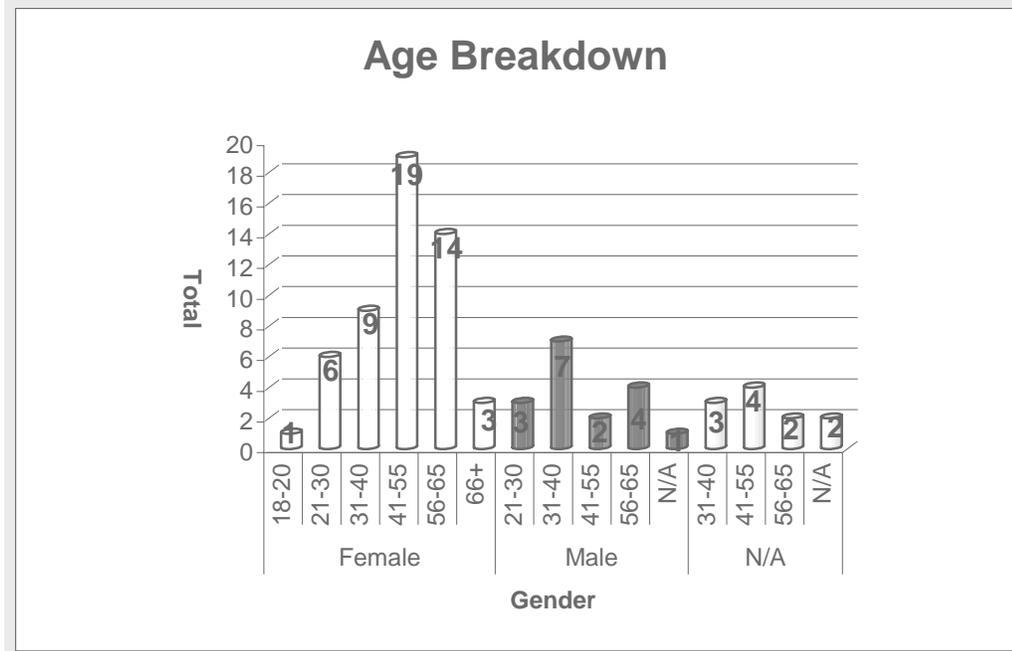


Table 3

### Age and Gender Breakdown of Respondents

A totally objective question was asked in an open format to elicit a variety of responses. That question asked “What effect do you believe installation of these cameras will have on the incidence of red light running locally”? This question elicited the most strongly worded positive and negative responses. Although forty-one (51.25%) gave a positive response, twenty-five (31.25%) gave a negative, and fourteen (17.5%) were right down the middle, the positive and negative were either very positive or very negative with most of the negative leaning toward some type of conspiracy or ulterior motives with regard to installation of the cameras.

### Discussion

The researcher found many of the answers interesting and some even contradictory. For instance, seventy-one of the respondents (83%) rated the red light running problem more than a five on a scale from one to ten, indicating it is a legitimate issue, however, only twenty-three (28%) favored the installation of the Red Light Cameras and over half were non-committal on this issue. And even more interestingly, more than 50% of the respondents believed the technology is accurate in capturing the violation and more than half said the installation of the cameras would create the desired effects of decreasing crashes and injuries at red light intersections.

There have been copious amounts of studies done that indicate effectiveness, or lack thereof for Red Light Camera Systems in many places around the world. Many do not agree on whether or not the systems are working as they should. The primary reason given in many studies found for installation of these systems was to reduce violations and in turn also reduce crashes, injuries, etc. The citizens appear to believe they are put in place simply to generate revenue and act as another tax. This has, in fact, been the reason in a few locales, but was mostly used to offset the cost of Law Enforcement than generate funds. This survey was designed to attempt to answer these questions from the view of citizens specifically in Collier County.

One of the answers that might shed some light on the disparity is the one concerning the public/private partnership that must be established to run such a program in Collier County and the way the current Collier County Ordinance is written. Fifty (63%) of the respondents showed a distrust of the partnership or were not sure a private company could be trusted to administrate the service. When asked why they thought County Government was installing the Red Light Cameras fifty-three (78%) of the respondents said they thought it was to reduce the incidents of red light running, and crashes. It is interesting to note that these Collier County residents appear to trust the motives of their local Government but are not so trusting of the private partners in this mix. The numbers indicate the respondents believe the money will corrupt the issue.

The issue of the fine and who actually receives the citation also elicited some very spirited responses in the lines provided for editorial comments. The respondents many times did not appear to make sense when the other questions were looked at in the same context. For instance, a male in the 56-65 age category, rated the red light problem a six, then put "is it really a problem?" in a narrative while at the same time he rated the fine for \$125.00 positively. It would seem that to follow that if one thinks it is not a problem to run a red light that they would not think the fine was proper. It would also follow that if he thought it was not a problem he would not have rated it a six on a scale from one to ten. This was not the case on many survey instruments.

It appears that the researcher's goal of eliciting personal feelings on these issues was reached due to the lack of pure scientific correlation of the answers. The answers appear to be from the heart on what is a very emotionally charged issue that is also very personal to those who have been cited in the past, or have strong feelings about law enforcement action. It also represents, to some, a change from the old days when a Law Enforcement Officer had to actually catch the violator committing the violation or you got a pass on the violation. For perennial violators this is a wake up call that they can no longer have bad driving habits just because the Police are not on scene. Technological change is tough for many and the lack of trust of the technology is evident in the respondent's answers. That lack of trust appears to be compounded by the public/private partnership formed.

The researcher also believes that in these hard economic times when many are losing homes and jobs that fines from Government are looked upon as more intrusive, and just another tax. This survey was completed in January and

February 2009 and the News Media was not spending any time on traffic issues locally, but rather focusing on bleak economic news. The one thing that stood out on the survey instruments was strong feelings about the subject one way or another. Although, many of the answers had a not applicable, or not answered component to them or some measure of non-committal response, the ones that did take the time to respond and editorialize on the issue had strong opinions whether pro or con. That indicates to the researcher that there is interest on both sides on this issue.

The survey also found that the overwhelming majority view the red light running problem to be a legitimate issue for law enforcement to work on. Although they may disagree on the strategy most of the respondents rated the problem very high and showed a desire to have a strategy to lessen the problem.

### Recommendations

- The Collier County Government Authorities should undertake an aggressive educational campaign explaining both the reasons for the installation of the cameras and the oversight by government of the private companies involved. They must also educate the public to the specific problem of red light running and the other related issues.
- Due to the objections indicated by the respondents it is evident that many do not understand why the owner of the vehicle must get the citation. This should also be a focal point for follow up educational programs.
- The Law Enforcement Agencies must err on the side of caution with respect to “close” violations to maintain the dignity of the citations. Many of the respondents referred to violations that were “cheap” or “too picky” while answering the questions. Not specifically reviewing each violation for validity would be an error.
- The process must be transparent for the Citizens to accept it. Any time full disclosure is not available will, more than likely be seen as an opportunity for malfeasance. With certain lack of trust at the beginning of this program, governmental authorities must be sure to build on the trust they have by being open and honest.
- Finally, no single individual should have total control over acceptance or rejection of violations. Checks and balances must be an integral part of the system and must be visible to the public.

Lieutenant Harold Minch is a 23 year law enforcement veteran. He has served with three different agencies in Florida since he began his career. Harold has been with the Collier County Sheriff's Office since 1994. He has served in several areas to include road patrol, community policing, investigations, intelligence and special operations. Harold is currently a Special Operations Lieutenant with responsibility for the Safety and Traffic Enforcement Bureau and the Emergency Response Team. Harold has a Bachelor of Arts degree in Political Science from the University of Florida and a Master's of Public Administration from the University of Central Michigan.

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APPENDIX A

**Red Light Survey**

Red light running costs lives, causes injuries, and millions of dollars in damage each year in the United States. The Collier County Commission passed an ordinance allowing installation of Red Light Cameras. Please take a moment of your time to fill out the questionnaire below about this very important issue.

1. On a scale from 1 to 10 rate the seriousness of the red light running problem in Collier County with 1 being the lowest and 10 being the highest.

**1 2 3 4 5 6 7 8 9 10**

2. Why do you favor/not favor the installation of Red Light Cameras at Collier County Intersections?

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3. What effect do you believe installation of these cameras will have on the incidence of red light running locally?

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4. Do you believe the Red Light Cameras are capable of capturing violations accurately at Collier County Intersections?

**Yes**

**No**

5. Please list in number of importance (1,2,3) the following reasons you believe Collier County Government is installing Red Light Camera technology at intersections because:

- \_\_\_ they wish to reduce incidents of red light running and crashes
  - \_\_\_ they wish to reduce the costs of red light enforcement locally
  - \_\_\_ they wish to make money from red light runners to increase revenue
  - \_\_\_ other \_\_\_\_\_
- 
- 

6. Have you run a red light in the listed time periods? Circle the one that applies.

- a. past 6 months
- b. past year
- c. past 5 years

- d. over 5 years ago
- e. never

7. Have you been issued a citation for a red light in the past? Circle the one that applies,

- a. past 6 months
- b. past year
- c. past 5 years
- d. over 5 years ago
- e. never

8. Do you believe the \$125.00 proposed fine is fair for the violation knowing that no points are assessed against your license?

**Yes                      No**

Why? \_\_\_\_\_  
 \_\_\_\_\_

9. Do you believe that a private company can be trusted to administrate this service when over sight is conducted by County Governmental Agencies.

**Yes                      No**

Why? \_\_\_\_\_  
 \_\_\_\_\_

Gender		<b>Male</b>		<b>Female</b>		
Age	18-20	21-30	31-40	41-55	56-65	66+

10. What is your residence status in Collier County?

- a. full time resident
- b. more than 6 months each year
- c. less than 6 months each year
- d. tourist/visitor
- e. other

11. How long have you either lived or visited the Collier County Area?

- a. less than 1 year
- b. 1 to 5 years
- c. 6 to 10 years
- d. 11 to 15 years
- e. More than 15 years.

**Thank you very much for your participation.**

## APPENDIX B

### ARTICLE III. INTERSECTION SAFETY

#### Sec. 78-51. Title and application.

This article is titled and may be cited as the "Collier County Intersection Safety Ordinance." This article applies only to violations at intersections monitored by the county's traffic violation photographic system.

(Ord. No. 08-22, § 1)

#### Sec. 78-52. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings herein ascribed to them, unless the context clearly indicates a different meaning:

*Intersection* means the area embraced within the prolongation or connection of the lateral curb line; or if none, then the lateral boundary lines of the roadways of two roads which join or intersect one another at, or approximately at, right angles; or the area within which vehicles traveling upon different roads joining at any other angle may come in conflict. As to unlawful turns from an intersection, the turn can include, but is not necessarily limited to, entering into an alley, private road, service road or driveway.

*Owner* means the individual or entity holding legal title of the vehicle, or, in the event a vehicle is the subject of an agreement for conditional sale or lease thereof with the right of purchase upon performance of conditions stated in such agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, such conditional vendee, lessee or mortgagor shall be deemed to be the owner of such vehicle for purposes of this article.

*Recorded image* means an image recorded by the traffic violation photographic system by photographs, electronic images, digital images, digital or video movie, or by any other medium that records a moving violation of this article.

*Traffic control infraction review officer* means any law enforcement officer employed by the Collier County Sheriff's Office who meets the requirements of F.S. § 943.13, or its successor in function.

*Traffic control signal (traffic light)* means a traffic control device that exhibits a light that is steady (including turn arrow) or is flashing. The lights are green, yellow and red.

*Traffic violation photographic system* means a device (camera) that makes a recorded image of the respective vehicle traveling into or through the intersection.

*Vehicle* means every device in, upon, or by which any individual or property is or may be, transported or drawn upon a road, street or highway, excepting only such device designed exclusively for operation upon stationary rails or stationary tracks.

Definitions in Florida Statutes may be referred to if relevant, including with regard to appeals. Singular words include the plural where the context permits. "notice of code violation" includes "violations" if more than one violation is cited.

(Ord. No. 08-22, § 2)

#### Sec. 78-53. Adherence to traffic controls.

Each of these violations is classified as a moving violation by Florida Statute:

(1) *Steady red traffic light.* The driver (operator) of a vehicle shall not allow any portion of the front-most part of that vehicle to encroach over a vertical extension of the nearest part of the intersection, intersection line, crosswalk line or "stop here on red" line, as applicable at the intersection after the steady red traffic light has turned red and until the red traffic light has turned green. A steady red traffic light includes a steady red ball, a steady left turn arrow, or a steady red turn arrow that in conjunction with a "no turn on red" sign or substantially similar sign, prohibits turning a vehicle at that intersection at that time. This violation occurs whether the vehicle proceeds through the intersection or makes a turn at or in the intersection, including a U-turn. Each violation of this subsection is a violation of this article. (Refer to F.S. § 316.075(1)(c), Steady red indication.)

(2) *Flashing red traffic light.* A vehicle driver approaching a flashing red traffic light at an intersection shall obey that light as if a stop sign. A vehicle driver who does not bring such vehicle to a complete stop before allowing any part of the vehicle to enter into the intersection, intersection line, crosswalk line or "stop here on red" line, as applicable, is a violation of this article. The driver's right to proceed shall be subject to rules that apply to a stop sign. (Refer to F.S. § 316.076, Flashing signals.)

(3) *Inoperable or malfunction traffic light.* Failure of a vehicle driver to treat an inoperable traffic light or malfunctioning traffic light as a stop sign is a violation of this article. (Refer to F.S. § 316.1235, Vehicle approaching intersection in which traffic lights are inoperative.)

(Ord. No. 08-22, § 3)

#### Sec. 78-54. Exceptions.

The owner of the vehicle shall be responsible for paying the civil fine for the noticed violation of this article listed in section 78-53, above, except:

(1) If the vehicle was being operated without expressed or implied permission from the vehicle's owner. This exception applies only if the vehicle's owner signs and submits a "sworn and subscribed to" affidavit to the Collier County Code Enforcement Department either within 21 days after receipt of a notice of code violation or at the special magistrate's hearing. The affidavit must specifically assert, if true, that the driver was driving the vehicle without expressed or implied permission from the vehicle's owner, and must include the vehicle driver's full name, complete and current street address, the vehicle operator's driver's license number, and specify in meaningful detail how the driver came into possession of that vehicle without express or implied permission from the vehicle's owner; or in the alternative, if applicable, must have attached to the affidavit a true copy of a valid stolen vehicle report filed with a law enforcement agency. The following sentence must be in the affidavit immediately above the affiant's signature line: "Under penalties of perjury, I declare that I have read the foregoing affidavit and all facts stated herein are true.";

(2) If the driver of such vehicle is issued a Florida Uniform Traffic Citation for the corresponding violation of Florida Statutes that occurred at that intersection at that same date and time;

(3) If the vehicle was an authorized emergency vehicle or other vehicle owned or controlled by a federal, state, or local government and such vehicle's driver was

authorized by applicable law, rule or regulation to disregard that traffic light at that time and place;

- (4) If the asserted defense would have excused the noticed violation as if such violation had been cited by a uniform traffic citation pursuant to Florida Statute;
  - (5) If the vehicle driver was required to violate the applicable traffic control device (or the official) in order to comply with another applicable law that supersedes the respective traffic control regulation;
  - (6) If the vehicle driver was reasonably required to violate the applicable traffic control device to protect valuable tangible property and/or to prevent physical injury (or death) to any individual;
  - (7) If the person or entity noticed for the violation was not the owner of the vehicle as "owner" is defined in this article;
  - (8) If the appeal is based upon any other valid reason the vehicle owner in good faith believes justifies the special magistrate voiding the noticed violation; or
  - (9) If the special magistrate finds there exists any other valid reason why the noticed violation should be voided by order of the special magistrate.
- (Ord. No. 08-22, § 4)

#### Sec. 78-55. Penalties.

- (a) *Civil fine; costs.* Each section 78-53 violation, above, issued pursuant to this article shall be a civil, noncriminal ordinance violation for which a \$125.00 civil fine shall be assessed against the vehicle's owner for each violation. The civil fine must be paid in full (be received by the county's code enforcement department) not later than 21 days after the vehicle owner's receipt of the notice of code violation, unless the owner files an appeal that is actually received by the county's code enforcement department, not later than 21 days after the vehicle owner's receipt of such notice. The \$125.00 civil fine may be amended by resolution of the board of county commissioners.
- (b) *Costs.* If the appeal does not result in the noticed violation being voided by order of the special magistrate, then not later than 21 days after receipt of written notice from the special magistrate, the vehicle's owner must pay the civil fine, plus all prosecutorial costs incurred by the county and/or the special magistrate. By order of the special magistrate, the special magistrate shall notify the vehicle's owner of the civil fine, and prosecutorial costs as applicable, all of which shall be paid in full to the county's code enforcement department not later than the 21-day time limit.
- (c) *Suspension of county privileges.* A noticed vehicle owner who fails to pay in full the applicable civil fine, and, if applicable, any costs within the applicable 21-day time period, shall thereby lose that vehicle owner's privilege to obtain (or renew) every Collier County Tax Collector local business tax receipt issued to such owner (individual or entity) and shall also thereby lose that owner's privilege to obtain other licenses and/or permits issued by Collier County. The owner can summarily reinstate all such lost privileges by paying in full all such fines and costs. If the applicable fines and costs are not paid in full within the applicable 21-day time period, the special magistrate may place a lien on such of the vehicle owner's property as then authorized by F.S. Ch. 162, and/or by then applicable Collier County Code Enforcement Ordinance(s). The lien amount, including any accrued interest, and all costs actually incurred by the county and/or the special magistrate regarding the lien shall be paid in full before the lien is released or is

otherwise voided. The county may also elect to enforce all such fines and costs by civil action in the nature of debt.

(d) *No driver's points and no effect on any driving privilege.* As, violations of this article are ordinance violations and not conviction(s) of any motor vehicle law, no violation of this article shall result in any points, as provided in F.S. § 322.27, or otherwise, nor be any basis for suspension or revocation of any driving privilege. (Ord. No. 08-22, § 5)

Sec. 78-56. Notice of code violations.

(a) *Issuance of notice of code violation.* The Collier County Sheriff's Office (CCSO) may lawfully issue, or cause to be issued the notice of violation. Each decision to issue or not issue a notice of violation to the vehicle's owner pursuant to this article shall be made by a traffic control infraction review officer, or designee, after his or her review of recorded image(s) as recorded by the traffic violation photographic system. The traffic control infraction review officer, or designee, shall also verify that the traffic control monitoring system/devices which captured the recorded images was functioning properly at the time the recorded images were captured. The recorded image shall be sufficient grounds to issue a notice of violation.

(b) *Contents of notice of code violation.* The notice issued for the violation listed in section 78-53, above, shall be by a standard form notice approved by the Collier County Sheriff's Office and by the county attorney's office, which notice should include the following information:

- (1) The name and mailing address of the owner of the vehicle as of the date the noticed ordinance violation was committed;
- (2) The make, model, year and registration number of such vehicle;
- (3) The subsection of this article that was violated;
- (4) The date, time and intersection of the violation;
- (5) A copy of the recorded image(s) of the violation as recorded by the traffic violation photographic system, including a recorded image that identifies the letters and numbers on the vehicle's license plate and the state, country or territory shown on that license plate;
- (6) The monetary amount of the civil fine and the deadline date such fine must actually be received by the county's code enforcement department;
- (7) The mailing address of the code enforcement department to which the fines must be delivered by or on behalf of the vehicle's owner, and the name of the payee to facilitate payment by money order, check or other negotiable instrument;
- (8) A statement that the signing traffic control infraction review officer reviewed and thereby observed the recorded image(s) evidencing the violation, and that those images constituted reasonable grounds for that traffic control infraction review officer to conclude that the noticed violation was committed at the cited date, time and intersection;
- (9) A statement of the 21-day time limit within which the vehicle owner may file an appeal and a brief description of the appeal process; and
- (10) A statement that if the vehicle's owner fails to pay the civil fine in full or fails to timely appeal the violation(s), the owner shall thereby be deemed to; (i) have waived all rights to dispute that violation; (ii) to thereby admit the violation; and (iii) failure to pay

all applicable fines, and costs as applicable, can result in loss of privileges and imposition of liens pursuant to this article.

(c) *Delivery of notice of code violation.* The notice of code violation shall be delivered to the vehicle owner by certified mail, proper postage prepaid, and properly addressed to the mailing address of the individual who (or entity that) is then listed as the titled owner by the applicable agency of whatever State of the United States, country or territory where the respective vehicle was registered as of the date of the noticed violation. If there is more than one such listed owner, the notice can be delivered to only one such listed owner. The county shall have the right, but not any obligation, to serve the notice by personal service upon one owner at any proper place of personal service or may otherwise elect to serve one owner by any other means then authorized by law.

(Ord. No. 08-22, § 6)

Sec. 78-57. Obligations of vehicle owner; appeals to special magistrate.

(a) Upon receipt of a notice of code violation, the noticed owner may contest the notice by filing an appeal that is actually received by the county's code enforcement department not later than 21 days after the vehicle's owner received such notice. A code enforcement department employee shall note on the appeal the date and time of receipt of that appeal.

(b) The appeal must include the owner's name, mailing address and phone number, and must state in clear, meaningful detail all grounds upon which the violation is being contested by the appeal. The grounds for appeal are listed in section 78-54, above.

(c) The code enforcement department shall promptly refer the appeal to a special magistrate. The special magistrate shall endeavor to schedule the appeal hearing within 60 days after the special magistrate's receipt of the appeal (provided the appeal was actually received by the county's code enforcement department not later than 21 days after the vehicle owner's receipt of the notice of code violation). The special magistrate by order may summarily dismiss the appeal with prejudice if the appeal does not comply with any requirement listed in subsections (a) or (b), above.

(d) The recorded images shall be admissible at the hearing for all purposes. The traffic control infraction review officer may testify at the hearing.

(e) If upon appeal the noticed violation is not voided by order of the special magistrate, the owner shall pay in full the civil fine, plus all costs actually incurred by the county and/or special magistrate resulting from that appeal. The civil fine and applicable incurred costs must be delivered in full to the county's code enforcement department not later than 21 days after the owner's receipt of the special magistrate's order that states the noticed code violation was not voided by the special magistrate, and shall specify the applicable civil fine, and applicable incurred costs, if any. All of the special magistrate's orders, letters and other papers, etc., can be mailed to the vehicle owner by ordinary U.S. mail, proper postage prepaid, addressed to the owner's mailing address as listed in the owner's appeal, which mailing shall be sufficient receipt by the vehicle's owner.

(Ord. No. 08-22, § 7)

Sec. 78-58. Sixty-days' grace period.

The respective reviewing traffic control infraction review officer, or the CCSO designee, by ordinary U.S. mail, is authorized to mail to the vehicle owner a "courtesy notice" of

the violation of this article that occurs prior to noon of the day that is 60 days after the effective date of this article.

(Ord. No. 08-22, § 8)

Sec. 78-59. Conflict and severability.

In the event this article (ordinance) conflicts with any other ordinance of Collier County or other applicable law, this article shall apply and supersede. If any phrase or portion of this article is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

(Ord. No. 08-22, § 9)