

Mary Lou Terrien

From: i Mac <apackoftwo@comcast.net>
Sent: Tuesday, June 04, 2013 8:38 AM
To: Rep. Wayne Schmidt (District 104); Rep. Ben Glardon; Rep. Kevin Daley (District 82); Rep. Kurt Heise; Rep. Brad Jacobsen; Rep. Margaret O'Brien; Rep. Peter Pettalia; Rep. Dan Lauwers (District 81); Rep. Marilyn Lane; Rep. Mike McCready (District 40); Rep. Scott Dianda (District 110); Rep. David Rutledge; Rep. Gretchen Driskell (District 52); Rep. Tom Cochran (District 67); Rep. Charles Smiley
Cc: [REDACTED]
Subject: I OPPOSE HB 4763
Attachments: 13 Mem Day Release-FINAL.pdf
Importance: High

Ms. Mary Lou Terrien, Committee Clerk, **please enter into public testimony this e-mail and attached document**, Thank you

Joan Fabiano
Founder, Grassroots in Michigan
Holt, MI 48842

Committee Members,

I oppose HB 4763 for the following reasons:

For May 21, 2013 Release

1. Flawed Surveys Distort Public Opinion on Red-Light Cameras

Wauunakee, WI – May 21, 2013: Plagued by scandal[1], gross mismanagement[2], and financial setbacks[3], purveyors of red-light camera systems and their supporters continue to misrepresent public opinion on automated traffic ticketing schemes.

That's the conclusion of the National Motorists Association after reviewing the latest red-light camera public polling results released by the Insurance Institute for Highway Safety (IIHS). The April 2013 poll, which surveyed 800 Washington, D.C., residents, claimed that the overwhelming majority favored red-light cameras.

“We question the results of this poll since only 38 percent of the respondents were regular drivers,” said NMA President Gary Biller. “The majority of D.C. residents drive on a regular basis so targeting non-drivers skews the results. The IIHS used a similar polling tactic in Houston where it contracted a phone survey of about 300 city residents and proclaimed 57 percent supported red-light cameras. This was only a handful of months after 53 percent of 335,000 Houston voters cast their ballots to eliminate the ticket cameras.”

The ballot box is a more accurate measure of how the public views red-light cameras according to Biller. “Voters in 30 cities across the country have used ballot measures to pass judgment on ticket cameras,” he said. “The cameras failed in 27 of those contests. That’s a 90 percent rejection rate. Don’t be fooled. When citizens

express their wishes directly, they overwhelmingly tell their public officials ‘we don’t want ticket cameras in our community.’”

John Bowman, communications director for the NMA, pointed out, “People are smart; they know ticket cameras are about money, not safety.” He noted recent revelations that officials in Florida had intentionally shortened yellow-light times to greatly increase ticket revenue at camera-equipped intersections. “This degrades highway safety, unfairly targets responsible drivers and represents a violation of the public trust.”

The National Motorists Association encourages citizen groups to push for ticket-camera ballot measures as the most effective way to give the public a voice in this critical policy issue.

Sources:

1 Redflex Traffic Systems, one of the two largest U.S. red-light camera operators, acknowledged a \$2 million bribery scheme related to its longtime contract with the City of Chicago. The company, which terminated several top executives in the wake of the scandal, warned that there are “potential issues” with their business involving two other U.S. cities. A federal criminal investigation is ongoing.

2 City of Chicago Inspector General Joseph Ferguson blasted the lack of control over the city’s red-light camera program that generated \$72 million in ticket revenue in 2012. The IG’s audit found that CDOT (Chicago Department of Transportation) could not substantiate camera locations for safety purposes, and that there was a “lack of basic record keeping and an alarming lack of analysis for an ongoing program that costs tens of millions of dollars a year and generates tens of millions more in revenue.” Symptomatic of the lack of fiscal control was the discovery that Chicago is paying \$13,800 in annual maintenance for cameras bought at \$24,500 each. The Chicago program has 384 red-light cameras in operation.

3 The loss of the Chicago contract will cost Redflex \$17 million a year and is causing a restructuring of U.S. operations that will cost 65 employees their jobs. American Traffic Solutions, the other major camera vendor in the United States, lost major contracts when the cities of Houston and Los Angeles shut down their red-light camera programs and recently set up a \$4.2 million fund to pay plaintiffs in a New Jersey class action suit centered around the issue of short yellow lights.

Contact:

John Bowman, Communications Director National Motorists Association Email: nma@motorists.org Phone: 608-849-6000

Website: www.motorists.org

About the National Motorists Association:

Founded in 1982, the National Motorists Association is a North American grassroots advocacy organization dedicated to the protection of motorists’ rights and freedoms. The NMA was instrumental in repealing the 55 mph National Maximum Speed Limit. Since then, the organization has fought for reasonable speed limits, an end to speed traps, fairer traffic courts and against using traffic tickets to generate revenue.

###

2. Burden on the innocent: Misidentification

According to the Insurance Institute for Highway Safety, the registered owner is the driver only 72% of the time. Without consideration for any other shortcomings, over 1 in 4 tickets are issued to the wrong person!

2. Burden on the Innocent: Equipment Malfunctions

Sensitive photo enforcement electronics are often left unattended and vulnerable in harsh and extreme weather conditions 24/7. No one knows if all of the components of a photo system are working properly at any given

moment, or if equipment has started to malfunction intermittently. Equipment vendors refuse to publish their equipment reliability and error rates!

3. Leaves Motorists Defenseless

Motorists who receive photo tickets are at a severe disadvantage to make a defense due to the weeks or months that may lapse before a driver is served with a citation. Weeks or months after a "violation," a driver is unlikely to be able to recall the details of the "violation." Furthermore, drivers are unable to collect evidence to defend themselves because it is unlikely that signs and road conditions are the same as they were when the alleged violation occurred.

4. Less Safe

Multiple studies show an INCREASE of accidents with red light and speed cameras.

Driving conditions on roads and freeways are made more dangerous by interrupting the free flow of traffic as people respond to the presence of cameras. The same goes at red light camera intersections where drivers slam on their brakes to avoid tickets.

5. Lack of Audit and Oversight

There is no stated maintenance or audit program by any government authority of the private camera vendors and their equipment and processes to ensure reliability and accuracy.

6. Uses our money to feed out of state Corporations

The two camera vendors that operate in Washington, Redflex (from *Australia*) and American Traffic Solutions (from *Arizona*), receive an average of 50% of the money that is generated by the cameras.

7. Solutions to problems that don't exist

According to the Tacoma News Tribune, there "hasn't been a serious pedestrian-vehicle accident in a school zone in Lakewood's 13-year history." Yet, Lakewood has speed cameras in school zones to keep children safe? Sounds like the kids were already safe.

8. Conflict of Interest

- Traffic cameras provide lawmakers with a personal financial incentive to protect controversial traffic camera programs.
- Camera vendors provide court administration modules for judges, attorneys, and witnesses that present and assess common dispute tactics and appropriate sound counter-measures required for successful prosecution.
- Camera vendors develop the violation criteria that the cities use to determine what constitutes a violation.

9. Denial of Due Process

The Sixth Amendment's Confrontation Clause gives the accused *the right to be confronted by witnesses against*

them. With cameras, the driver is *never confronted* by a police officer ticketing him. The accused are not being provided with the opportunity to cross-examine or subpoena all camera equipment operators along with anyone who handled the evidence or the officer who issued the citation. Nor are they being provided with the opportunity to examine the design and operation of the equipment itself.

10. Photo Enforcement Vendors Are Not Trustworthy

- Arizona Secretary of State, Jan Brewer, confirmed that Redflex documents used in court to convict motorists of speeding in Lafayette, Louisiana had been falsified.
- Many cities have all been caught shortening yellow lights to increase profits from red light cameras.
- In January 2009, the makers of the T-Red brand of red light cameras were similarly arrested for fraud after prosecutors found motorists were being trapped at intersections with short yellows and improperly certified equipment
- Redflex violated federal law by using radar units that were not FCC certified.
- Redflex employees have been charged with assault, child pornography, and extreme DUI (while driving a photo radar van). They can observe your car, wife, and children and *they can figure out where you live*. They have access to your DMV records.

11. Invasion of Privacy

The cameras are high-resolution video devices that run 24 hours a day. According to officer King with Arizona DPS, *"We can just about zoom in and see stuff on the dash."*

12. Affects Consumer Spending and Tourism

Nationwide, cities have responded to threats from locals and out of towners who have vowed to stop shopping in areas with photo enforcement by removing equipment.

13. Lucrative Photo Enforcement Favored Over Engineering

Cities rarely conduct engineering studies to determine why a particular intersection experiences more accidents. Officials incorrectly assume that bad drivers flock to these intersections and that their behavior can be cured with the threat of tickets received weeks after the infraction. In reality, the same drivers are present in all intersections, and if a particular intersection has a high accident rate the reason is undoubtedly due to flaws or problems that can be corrected with proper traffic engineering. Such measures may include: adding signs, making signs clearer, more visible signs, changing road striping and indicators, adjusting light timing, and increasing signals more visibility. *Until an engineering study is done*, it is impossible to understand the

underlying factors and thus impossible to objectively evaluate possible solutions.

14. Doesn't remove any immediate threat to citizens like drunks, reckless drivers, or speeders.

15. Creates distrust and animosity for local officials, law enforcement departments