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September 13, 2012

The Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, CA 95814

Re: Senate Bill 1303 – Red Light Camera Reforms

Dear Governor Brown:

This letter is to respectfully request your signature on Senate Bill 1303, which ensures that red light cameras will be used in a fair and appropriate manner.

Senate Bill 1303 would bring accountability and fairness to the operation of red light cameras by addressing three separate challenges. First, automated enforcement must be implemented in a way that accurately identifies a violator and is mindful of privacy and due process concerns. Second, it is imperative that traffic tickets be issued for public safety purposes and not for revenue generation. Third, this bill will clarify law that has been called into question by competing appellate court rulings on admissibility of evidence.

The bill will accomplish these goals by:

- Prohibiting the use of red light cameras for the purpose of raising revenue;
- Requiring a demonstrated safety need for operation;
- Requiring local jurisdictions to follow state standards in the placement and operation of cameras;
- Requiring adequate signage to notify drivers when red light cameras are in use;

- Prohibiting so-called “snitch tickets” (i.e., an innocent ticket recipient may not be required to identify another driver in order to clear an inaccurate/misdirected ticket);
- Making it easier for a wrongfully ticketed driver to get a ticket cleared; and,
- Clarifying that existing evidence law on computer information applies to red light cameras.

Senate Bill 1303 addresses the same set of issues as my Senate Bill 29, which you vetoed last year. Since your veto, however, California courts have issued conflicting interpretations as to just what constitutes admissible evidence in red light camera court cases. For that reason, this bill clarifies the law, eliminates the confusion, and clearly articulates the admissibility of red light camera images.

Additionally, a compromise has since been reached in SB 1303 on the form that can be used to contact drivers prior to issuing a ticket (the so-called “courtesy notice”). This was something that the stakeholders were looking to have settled.

Over the past few years, there has been a proliferation of red light cameras in use by local jurisdictions in California. That rapid expansion has led to a number of problems which are commonly noted throughout the state.

In some instances cameras have clearly been installed to raise revenue, rather than protect public safety. In some instances the placement, operation and maintenance of the system has been sloppy or haphazard, resulting in disparate and/or unfair treatment of motorists.

Some systems specifically compel a registered owner to identify the photographed driver (even if they don't know who it is or don't wish to identify them), or else receive a ticket that is clearly not warranted. And still others make it difficult if not impossible to clear a ticket which is given in error (without a costly and time consuming appearance in court, often at some distance).

Many of these problems exist or are aggravated by virtue of the fact that such programs are administered by a handful of for-profit vendors, who have little or no accountability and who are currently free to operate without statutory guidance or limitation.

The net result of all of this is that some jurisdictions are simply giving up on their programs (e.g., Los Angeles), while other jurisdictions push the envelope in ways that are patently unfair to the driving public.

Senate Bill 1303 provides a balanced framework that allows the use of red light camera programs that both work for the local jurisdiction **and** are fair to motorists.

This issue was brought to me by a constituent who received three tickets from southern California for a car that was not hers and that she had never driven. She had to take extraordinary steps to have those tickets removed. Unfortunately her experience is not unique; indeed, it is only the tip of the iceberg.

Senate Bill 1303 passed both houses of the legislature with strong bi-partisan support (35-0 in the Senate and 62-13 in the Assembly). Senate Bill 1303 will help restore public trust in the purpose and operations of red light cameras, which will ensure their continued use as a legitimate public safety tool.

I respectfully request your signature on Senate Bill 1303.

Sincerely,



S. Joseph Simitian
State Senator, Eleventh District

cc: Nancy McFadden, Executive Secretary
Gareth Elliott, Legislative Affairs Secretary
Brian Putler, Deputy Legislative Secretary

SJS: RO September 13, 2012