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June 24, 2011

Hon. Diane M. Price  
Acting Presiding Judge  
Superior Court of California  
County of Napa  
Napa County Courthouse  
825 Brown Street  
Napa, CA 94559-3031

**FILED**

JUN 24 2011

Clerk of the Napa Superior Court

By: G. Bauman  
Deputy

**RE: CITY OF NAPA RESPONSE TO THE 2010-2011 NAPA COUNTY GRAND JURY FINAL REPORT ON AUTOMATED RED LIGHT ENFORCEMENT**

Dear Judge Price:

The City of Napa has received and reviewed the subject Grand Jury report. Pursuant to California Penal Code Section 933, this letter serves as the City's response to findings and recommendations as noted below.

Initially, the City recognizes that a central concern of the Grand Jury is Caltrans' setting of the right turn yellow light interval at southbound SR 29/12/121. As the Grand Jury is aware, pursuant to Caltrans' regulation, it has set a shorter yellow light interval for "protected" right turns than for travel straight through that intersection. Nevertheless, from December, 2010, to the present the Napa Police Department has issued citations for unlawful right turns only when drivers have run the red light 5.4 or more seconds after the turn arrow became yellow. Thus, NPD's enforcement practice for more than six months has been the same for straight through and for right turn violations at SR 29/12/121. NPD intends to continue to closely evaluate camera evidence of potential right turn on red violations, and to exercise discretion in a manner similar to the discretion that would be exercised in the field, to issue citations for only the most obvious violations. The City is also exploring with Caltrans – which has jurisdiction over all aspects of this state highway intersection – potential physical changes which might permit a right turn controlled by a "Yield" sign rather than a red light controlled right turn. Such a change would, of course, remove any "right-on-red" violation at SR 29/12/121.

As set forth in these responses, the City is confident that Caltrans' light timing and the City's citation practices (before and after December 2010) have been lawful. For this and other reasons set forth here, the City does not adopt the Grand Jury's recommendations for moratorium or refunds. Every citation issued and paid under the City's Automated Red Light Enforcement (ARLE) program has been for an actual violation of California law, therefore, neither a refund nor a moratorium is warranted. In any analysis of these issues one overriding truth is paramount: the City's ARLE system, as operated for 18 months, has been accompanied by drastic reduction in red light violations, and by a meaningful reduction in intersection collisions. The City is a safer place due to these cameras and this program.

CITY OF NAPA RESPONSE  
2010-2011 NAPA COUNTY GRAND JURY FINAL REPORT  
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Court Executive Office

**FINDING 1** – The City’s ARLE system was established to reduce accidents.

*Response – Partially agree. The ARLE systems were established to reduce vehicular collisions, and the red light violations that cause them, by changing driving behaviors of the motoring public.*

**FINDING 2** – A disproportionate number of City’s citations are issued for failure to stop on right turns.

*Response – Disagree. Failure to stop prior to a “protected” or “dedicated” right turn on a red light (a “rolling stop”) is the most common red light violation at most red light controlled intersections. Therefore it is natural that far more ARLE citations would be issued on right turn violations than on “straight through” violations.*

**FINDING 3** – Accidents rarely occur on right turn movements.

*Response – Partially agree. The use of the term “rare” makes the finding ambiguous. However, it is true that fewer accidents are associated with right turns than with straight through red light violations. When right turn collisions occur, however, they can be catastrophic.*

**FINDING 4** – More severe and frequent accidents occur due to drivers failing to stop when traveling straight through intersections.

*Response – Agree. “Straight through” red light violations more frequently result in accidents than do right turn violations. There is greater potential of severe injury in a “straight through” collision, because the angle of the collision is usually perpendicular. Regardless of frequency, the potential of a severe collision resulting in injury, vehicle damage and financial loss when failing to stop when making a right turn on a red light cannot be dismissed or minimized.*

**FINDING 5** – The SR 29/12/121 ARLE signals falls under Caltrans’ jurisdiction; the City has no authority to set signal timing at this intersection.

*Response – Agree.*

**FINDING 6** – The SR 29/12/121 ARLE system was not studied by a licensed engineer in accordance with Caltrans’ Policy Directive 09-03 prior to the installation of the ARLE system.

*Response – Partially agree. The City did not conduct or sponsor a traffic engineering study by a licensed engineer. The City did, however, submit a written intersection and collision analysis in November, 2008 and April, 2009, pursuant to Caltrans’ request, and prior to the June, 2009 adoption of Policy Directive 09-03. That study analyzed various City intersections, including red light violation and collision history, personal and video field review, and traffic patterns and trends. Caltrans expressly accepted the City’s study, and in November, 2009, Caltrans granted permitting for the City’s ARLE systems without request for further documentation or analysis.*

**FINDING 7** – The yellow light change interval timing has an effect on the number of citations issued on ARLE intersections.

*Response – Disagree. The City is not aware of any evidence of a causal connection between yellow light timing and the number of violations identified by the City’s ARLE systems, particularly those due to “rolling stops” prior to right turns. Only one ARLE intersection, SR 29/12/121, has changed the yellow light interval phasing since its inception in late February of 2010. On May 13, 2010 the yellow light change interval at this ARLE intersection was changed from 3.2 seconds to 3.8 seconds. In October, 2010 and later in December, 2010, the City began issuing citations to right turn violators only if the light had been yellow for 5.0 (October) and 5.4 (December) seconds prior to the violation. (The “straight through” yellow light interval is 5.4 seconds.) Prior to and after any timing or enforcement change, the statistics show a steady overall decline in violations over the last year, which the City attributes to the ARLE cameras and program. (See attached chart labeled as Attachment 1.)*

**FINDING 8** – CVC Section 21455.7 (b) specifically references approach speed as the criteria for setting minimum yellow light interval times.

*Response – Disagree. While approach speeds are identified as one potential factor in setting yellow light interval times, the State Legislature clearly delegated authority to Caltrans to establish the criteria for setting yellow light timing. CVC Section 21455.7(a) states that "the minimum yellow light change interval shall be established in accordance with the [Caltrans] Traffic Manual...." Subsection (b) states that "change intervals relating to designated approach speeds provided in the [Caltrans] Traffic Manual... are mandatory minimum yellow light intervals."*

**FINDING 9** – Caltrans did not use the approach speeds to set the SR 29/12/121 right turn yellow light change interval time.

*Response – Partially agree. The City has no direct knowledge of all factors used by Caltrans to set the SR 29/12/121 right turn yellow light change interval time. The relevant portion of the Caltrans Traffic Manual (California Manual on Uniform Traffic Control Devices – "CA – MUTCD 2006") replaced what Caltrans called the "confusing" term "approach speed" with the terms "posted speed limit" and "prima facie speed limit established by the California Vehicle Code." The Traffic Manual also expressly adopted a separate, specific minimum yellow light change interval of 3.0 seconds for protected right and left turns. The Manual update expressly provides for increases in these minimum intervals based upon "field review," and "appropriate judgment" including "85<sup>th</sup> percentile speed, intersection geometry and field observation of traffic behavior." Presumably, Caltrans' May, 2010 adjustment of the right turn yellow light from 3.2 to 3.8 seconds was based upon its analysis of the above factors and exercise of "appropriate judgment."*

**FINDING 10** – The City and Caltrans recognize deficiencies at the SR 29/12/121 ARLE system.

*Response – Disagree. The City is not aware of any evidence that the ARLE system has "deficiencies," and has received no such comment from Caltrans. The system captures those motorists who violate CVC Section 21453(a), which requires drivers to stop at a red light prior to making a right turn. No evidence establishes that yellow light interval timing set by Caltrans is deficient, unlawful, or somehow prevents drivers from having adequate opportunity to stop at the red light prior to turning.*

**FINDING 11** – The City made enforcement changes in attempt to correct these deficiencies at the SR 29/12/121 ARLE system.

*Response – Disagree. The City does not believe there is a deficiency in the ARLE system. Every citation has been issued to a motorist who failed to stop at a red light prior to turning, thus violating state law. The City has determined, in its law enforcement discretion, to issue fewer citations for right turn violations than are captured by the ARLE system. Since December, 2010, citations have only been issued to violators who made a right turn violation 5.4 or more seconds after the yellow light engaged, thus conforming to the "straight through" yellow light interval. Conforming to the 5.4 second interval ensures that only the most egregious violators will be cited.*

**FINDING 12** – CalTrans made adjustments to the signal timing in an attempt to correct these deficiencies at the SR 29/12/121.

*Response – Disagree. The City is aware of no deficiencies with the ARLE system. The system has worked as intended, capturing those motorists who do not stop at the red light at this intersection. In early 2010 CalTrans conducted a study of the signalization at this intersection. Following that study in May, 2010, Caltrans adjusted the yellow light phasing from 3.2 seconds to 3.8 seconds, in accordance with the CA-MUTCD 2006. Caltrans has never communicated to the City that this change was an attempt to cure a "deficiency" in the ARLE system.*

**FINDING 13** – Drivers were cited for illegal right turns at SR 29/12/121 prior to the recognition of deficiencies in the yellow interval timing and prior to the adjustment of enforcement practices.

*Response – Disagree. The City of Napa does not believe there are or were deficiencies with the ARLE system at this intersection. Drivers were cited for illegal right turns at SR 29/12/121 only when there was a violation of law. All drivers cited before and after the May, 2010 interval adjustment and the October and December, 2010 adjustments in enforcement practices were cited pursuant to a Caltrans-established yellow light interval in accord with CVC Section 21455.7 and CA-MUTCD 2006.*

**RECOMMENDATION 1** – City immediately issue a moratorium on ARLE right turn citations at SR 29/12/121 intersection until such time as the legal requirements for yellow light interval times are firmly established and in place.

*Response – This recommendation will not be implemented because it is not warranted and not reasonable. Prior to issuing any citation, an NPD officer evaluates the ARLE documentation to determine whether or not the evidence supports the issuance of a citation for violation of the law. Those cited, throughout the operation of the ARLE system, have been in clear violation of California law. Additionally, the ARLE system at this location has increased safety by changing driving behaviors, which is evident by the reduction in the number of right turn violations from the time of its installation to the present (March 2010 – 1831 violations compared to March 2011 - 451 violations). With fewer violations, there are fewer opportunities for collisions to occur. Therefore a moratorium would be counterproductive to the overall strategy of reducing collisions by changing driving behaviors. However, the NPD does intend to more closely review ARLE documentation of right turn violations, and to exercise discretion in a manner equivalent to the discretion exercised by NPD officers in the field (considering relevant factors such as speed of vehicle, volume of traffic and pedestrians, weather, and visibility) so that only the most egregious violators will be cited.*

**RECOMMENDATION 2** – City prepare a traffic engineering study at SR 29/12/121 in accordance with CalTrans' Policy Directive 09-03, within 6 months after the release of this report, to determine if alternative countermeasures or intersection improvements could address driver behavior patterns as an alternative to ARLE.

*Response – This recommendation will not be implemented within 6 months because it is not warranted and not reasonable; particularly in light of the study that the City will undertake in 2013 to comply with the permit from Caltrans. Prior to beginning the ARLE system, the City provided a supporting intersection and collision analysis which satisfied Caltrans requirements that the system was warranted. The City is not inclined to prepare another expensive study when the ARLE system has had demonstrable positive impact: it has substantially reduced red light violations. The City's permit requires such a study in 2013; the City will of course satisfy this requirement.*

**RECOMMENDATION 3** – NPD review and evaluate all SR 29/12/121 ARLE right turn citations, within 90 days after the release of this report, and determine if a citation would have occurred under the most current enforcement practices.

*Response – This recommendation will not be implemented because it is not warranted and not reasonable. Before any citation is issued, the ARLE documentation is evaluated by NPD, and the NPD exercises discretion to determine whether a violation occurred. Each driver cited for an ARLE right turn violation, did in fact violate VC 21453(a), whether the yellow light interval was 3.2 or 3.8 seconds, or whether the NPD independently applied a 5.0 or 5.4 second interval prior to issuing a citation. Changes to current enforcement practices do not invalidate previous violations or convictions, so long as each enforcement practice is consistent with law.*

**RECOMMENDATION 4** – City issue refunds, within 6 months after the release of this report, to drivers cited for right turn violations at SR 29/12/121 who would not have been cited if the current enforcement practices were in place.

*Response – This recommendation will not be implemented because it is not warranted and not reasonable. As set forth in these responses, the NPD has only issued citations to violators of law. Those violators have been convicted by the state, and have paid the fines required by law. Moreover, the City has received only an average of 32% of such fines, while the remainder has gone to county and state entities and programs. Even if the City agreed that such refunds were warranted or reasonable — it does not — the City does not have the authority to refund such fines.*

**RECOMMENDATION 5** – City immediately limits, after the release of this report, future applications of ARLE systems to turning movements that have a clear history of poor safety and excessive accidents.

*Response – This recommendation is ambiguous and undefined, and will not be implemented because it is not warranted and not reasonable. Unlawful turns cause and contribute to traffic accidents. Red light cameras discourage red light violations, including turning violations. The City will continue to cite violators captured by its ARLE systems because (1) the City has already identified all ARLE locations as having a poor safety and accident history, (2) the ARLE program has substantially lowered red light violations which can lead to traffic accidents, and (3) accidents at signalized intersections Citywide have been substantially reduced since implementation of the ARLE program.*

**RECOMMENDATION 6** – City monitors and evaluates the ARLE system for its benefits in reducing accidents and within 6 months after the release of this report publishes its findings in all Napa County newspapers.

*Response – This recommendation has been implemented. The Police Department has monitored the effectiveness of this program since its inception. A report and presentation related to the effectiveness was given to the City Council on February 15, 2011, and the presentation and report were made available to the local newspaper. The Police Department will publicly report on the ARLE system annually.*

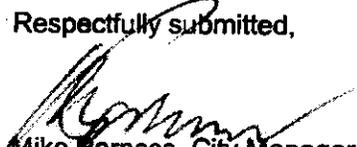
**RECOMMENDATION 7** – City continues the ARLE program if it clearly and substantially demonstrates that the program economically reduces accidents.

*Response – This recommendation will be implemented, with this caveat: the City will continue the ARLE program if it demonstrates to the City's satisfaction that it economically reduces red light violations and/or accidents.*

**RECOMMENDATION 8** – City issues a letter to drivers, within 6 months after the release of this report, specifying that the moving violation has been rescinded for those drivers cited for right turn violations at SR 29/12/121 who would not have been cited if the current enforcement practices were in place.

*Response – This recommendation will not be implemented for the same reasons set forth in response to Recommendation 4.*

Respectfully submitted,

  
Mike Parness, City Manager  
City of Napa

Attachment 1: Chart of Violations (re: Finding 7)

**Automated Red Light Enforcement Program  
FINDING 7 – NUMBER OF VIOLATIONS AND CITATIONS ISSUES  
MARCH 2010- MAY 2011**

Month	Violation	RTOR		Citation	% of issued	
		Violations	Not Cited		Citations	% of RTOR
Mar-10	1831	1733	865	966	53%	94.6%
Apr-10	1243	1147	660	583	47%	92.3%
May-10	1441	1382	419	1022	71%	95.9%
Jun-10	1104	1039	633	471	43%	94.1%
Jul-10	971	888	528	443	46%	91.5%
Aug-10	750	671	381	369	49%	89.5%
Sep-10	638	559	405	233	37%	87.6%
Oct-10	617	535	371	246	40%	86.7%
Nov-10	794	727	491	303	38%	91.6%
Dec-10	673	610	425	248	37%	90.6%
Jan-11	616	562	439	177	29%	91.2%
Feb-11	574	533	427	147	26%	92.9%
Mar-11	578	*	416	162	28%	*
Apr-11	622	*	454	168	27%	*
May-11**	551	*	286	265	48%	*

Avg. 91.5% Right Turn on Red (RTOR) Violations

\*Information not available at time of report

\*\*Through May 24, 2011