



# ISSUE BRIEF

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## Photo Radar and Photo Red Light Enforcement Programs in Oregon

Photo radar and photo red light programs use automated camera technology for traffic law enforcement. In a photo radar system, a camera photographs speeding vehicles as detected by radar. In a photo red light system, a combination of sensors in the pavement and mounted cameras photograph vehicles entering an intersection after a traffic signal has changed to red. The photographs show the driver, the vehicle, and the vehicle's license plate number. Oregon law currently authorizes seven cities to issue speeding citations based on photo radar and two of them have operating programs. Six cities are authorized to test red light camera systems and one program is operational.

### Photo enforcement history starts with photo radar in 1995

Oregon's history with photo radar began in 1995 when the cities of Portland and Beaverton sought authority from the legislature to issue photo radar citations. The two cities were authorized to conduct two-year demonstration pilots and were required to evaluate and report back on certain aspects of their programs<sup>1</sup>. The cities both implemented demonstration projects and reported favorable experience regarding the technology, resulting speed reductions, and public acceptance<sup>2</sup>. In 1997, the legislature extended the programs by removing the original two-year limitation on the local authority<sup>3</sup>. In 1999, the cities of Albany, Bend, Eugene, Medford, and Tigard were included in the authorizing statute<sup>4</sup> but are not operating programs. Portland and Beaverton have continued their programs.

Oregon first authorized issuance of citations based on red light camera photographs in 1999 legislation. Six cities (Portland, Beaverton, Medford, Tigard, Bend, and Newberg) were given authority for demonstration programs beginning January 1, 2000 and ending December 31, 2001<sup>5</sup>. The City of Beaverton has conducted its public education campaign and has photo red light equipment installed at one intersection. The city expects to have five intersections installed in a few months. Portland expects to have installations running in the next month as well.

### Program Restrictions under State Law

Photo Radar: Oregon Revised Statute (ORS) 810.438 - .439 specifies how photo radar can be used by the authorized cities. It can be used in any one location for no more than four hours a day, cannot be used on controlled access highways, and the city must post signs notifying drivers of potential photo enforcement on

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<sup>1</sup> Senate Bill 382 (1995)

<sup>2</sup> *Photo Radar Demonstration Project Evaluation*, Portland Office of Transportation and the City of Beaverton, January 1997.

<sup>3</sup> Senate Bill 651 (1997)

<sup>4</sup> House Bill 3085 (1999)

<sup>5</sup> House Bill 2071 and Senate Bill 20 (1999)

major routes entering the city. The photo radar units must be operated out of marked police vehicles by trained police officers.

Signs indicating photo enforcement must be also posted a specified distance before the radar unit's location and the speed of the vehicle must be displayed near the unit. Citations, which are mailed to the registered owner of the vehicle, must be mailed within six business days of the alleged violation and the owner must be given 30 days to respond with payment or court appearance. The mailing provides notice that if the owner was not driving at the time of the alleged violation, he or she can return a signed "certificate of innocence" along with a photocopied drivers license and the citation will be dismissed.

Photo Red Light: Restrictions on photo red light demonstration programs are found in a temporary section of ORS just prior to ORS 810.438. Any of the cities conducting pilots must include a public information campaign and an evaluation component. They must also post notice on major routes entering the city and signs at each of the intersections where cameras may be used. The photos must be reviewed by an officer and citations must be mailed within ten business days of the alleged violation. The options open to the vehicle owner on receipt of the citation are the same as provided for photo radar citations.

### **Local Government's Case for Automated Enforcement**

Enforcement of traffic laws becomes increasingly difficult as traffic increases, as pressures on city budgets grow, and as the number of neighborhood street miles increase. Speeding in residential areas and red light running are two of the highest concerns of citizens and local patrol agencies. The difficulty of apprehending speeders and red light runners compounds the enforcement problem. Automation is considered a safer and more efficient enforcement method. Deterrence is considered another benefit of automated enforcement. As the likelihood or perceived likelihood of apprehension increases, compliance with the law also increases.

The City of Portland reports an average of 12,000 collisions per year caused by drivers running red lights<sup>6</sup>. The Insurance Institute for Highway Safety estimates that more than 800 people die and 200,000 are injured each year in the United States, in accidents that involve red light running. The Federal Highway Administration (FHWA) analyzed red light camera programs in five jurisdictions<sup>7</sup>, New York City, Los Angeles, San Francisco, Howard County, Maryland, and Polk County, Florida. Red light violations were reduced by 30 to 60 percent.

### **Concerns About Photo Enforcement**

During the debate on the photo radar and photo red light legislation in Oregon, some legislators expressed serious reservations about photo enforcement. One concern was that vendor or local monetary incentive would affect enforcement decisions. Civil liberty concerns, like invasion of privacy and a "big brother" government role, were discussed. It was also argued that photo enforcement systems represent a "guilty until proven innocent" approach to law enforcement. Several of the requirements in the authorizing legislation were included in response to these types of concerns. The other response was to limit the

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<sup>6</sup> *Automated Enforcement for Red Light Running: Issues, Models, and Implementation*, Portland Bureau of Traffic Management, 1998.

<sup>7</sup> *Synthesis and Evaluation of Red Light Running Electronic Enforcement Programs in the United States*, Federal Highway Administration, U.S. Department of Transportation, February 2000.

number of cities and to authorize red light cameras only in demonstration pilots, but concerns were not completely allayed.

### **Status of Oregon Programs**

Portland and Beaverton continue their photo radar programs, operational since 1996. Portland has two vans and two officers in the program. Beaverton has one unit and six rotating, mostly part-time, officers. Beaverton is currently phasing in their photo red light sites and Portland expects to be operational in the next month. Negotiation of contracts has taken longer than expected. Some of the other cities' programs are on hold as their staffs and policy makers assess Portland or Beaverton's contracts. One hindrance for all the cities has been the high initial cost of installing the camera systems. Because the authorization for pilots expires at the end of 2001, cities have been reluctant to spend the necessary money to get a project and a public education program running.

### **Court Challenges**

In 1997, an Oregon driver challenged a Portland photo radar citation. The citation was upheld through appeal to the state Court of Appeals. It has been appealed to the Supreme Court, where oral arguments were heard in March 2000.

### **Other States**

Photo Radar: The Insurance Institute for Highway Safety reports that photo radar units were used as early as 1987 in Paradise Valley, Arizona. Since then they have been used in Mesa and Tempe as well as in Pasadena, California. They are being used in Denver, Boulder, and Fort Collins, Colorado and there are plans to use them outside Washington, D.C. on the George Washington Memorial Parkway. International use of photo radar is more widespread, with programs in up to 75 countries. British Columbia has 30 radar camera units rotated around the province.

Photo Red Light: The Insurance Institute for Highway Safety reports that, as of June 2000, about forty cities were operating photo red light programs in ten states. Western states with local programs include Washington, Oregon, California, Arizona, and Colorado.

Some states' photo enforcement programs treat photo enforcement citations like traffic tickets, i.e. they must be paid even if the owner was not the driver, but they are not considered moving violations and do not get posted to the violator's driving record.