

Public Health or Profit?

The Rochester Red Light Camera Controversy

Robert D. Richardson III

State University of New York: College at Brockport

Author Note

Robert D. Richardson III, Department of Public Administration, SUNY Brockport.

Correspondence concerning this article should be addressed to Robert D. Richardson III, Brockport MetroCenter, 55 St. Paul St., Rochester, NY 14604. Contact: rrich4@u.brockport.edu

Abstract

In 2012, red light running contributed to 35% of all accident fatalities reported in the United States. To combat this public health concern, Rochester, NY decided to implement its Red Light Camera Traffic Safety Program in November 2010. Since then, 48 cameras have been installed at 32 intersections in an effort to change motorist behavior. The program has been controversial since inception, and several issues have arisen that bring the equity and implementation of the program into question. Some argue these cameras are placed in high poverty areas creating a burden on the neediest Rochesterians. Others point to potential privacy concerns and a lack of due process as a violation of Civil Rights as indicators the program is nothing more than a money grab for our revenue starved city. After discussing the racial, privacy and due process concerns, this paper will explore whether public health or profits fuel the Red Light Camera Traffic Safety Program, and determine if the benefits outweigh the poor public perception and angst the cameras create in the community.

Keywords: Red Light Cameras, Rochester, Safety, The Crescent

Public Health or Profit?

The Rochester Red Light Camera Controversy

According to the National Highway Traffic Safety Administration's (NHTSA) Traffic Safety Facts Report from the same year, 2.5 million reported intersection accidents occurred in the United States during 2012. In total, the reported crashes resulted in over 680,000 injuries and 2,850 fatalities. Accidents caused by red light running accounted for 100,000 of those accidents and 1,000 of the fatalities (SRF Associates, 2014, p. 1). With 35% of fatalities coming from a mere 4% of all reported accidents, red light running poses a clear threat to all motorists and pedestrians crossing the street at busy intersections.

“Red light running” is defined as a vehicle that enters an intersection or crosses the stop line after the light has turned red. This could include not fully stopping before turning right, passing through a red light after it changes from yellow and going through a red light while other movements in the intersection (turn arrows, pedestrian crossings) are being served (SRF Associates, 2014, p. 1). Several studies have found that red light camera programs reduce the number and rate of red light violations. In the last decade, over 400 cities have utilized these programs to combat this public health concern. The theory is that putting Red Light Cameras at intersections with a noted history of red light violations and recording these violations for prosecution will alter motorist behavior; the threat of a ticket will prevent or reduce instances of red light running. In addition, the change in motorist behavior will ultimately reduce overall accidents and injuries thus promoting public safety (SRF Associates, 2014, p. 2). In April, 2009 New York State passed legislation clearing the way for Rochester to implement its Red Light Traffic Enforcement Program (Bortnick, 2009). Since the program went live in November 2010,

48 cameras have been installed at 32 intersections in the city of Rochester (SRF Associates, 2014, p. 1).

Description of Community

According to 2010 Census data, there are 1,054,000 million people in the Greater Rochester Area with 210,565 of them residing in the city. The Greater Rochester Area is the second largest economic center in New York State, trailing only New York City. Including Enter City which is primarily downtown, there are a total of 36 neighborhoods in the City of Rochester (Rochester, NY Neighborhoods, 2016); for a list and color coded map of neighborhoods refer to the Appendix. The yellow block in the middle is Center City, containing what is considered “downtown.” Areas in green are considered high desirability, high safety and low crime neighborhoods. Areas in red are considered to be low desirability, low safety and high crime neighborhoods.

The color coded map of Rochester reveals a few startling facts. First, the red neighborhoods on the map are all geographically connected to each other. They form “The Crescent,” an area of concentrated poverty representing the highest proportion of black, Latino and immigrant residents. As of 2015, Rochester had more people living at less than half the federal poverty level than any other American city of comparable size with 16.2% of those living in extreme poverty (Crescent of Poverty, 2015). Second, of the 36 separate neighborhoods listed in the Appendix, 14 of them are color coded red. Two neighborhoods the map codes in green (Susan B. Anthony and Brown Square) are mislabeled. On the map in the Appendix, there are two small areas west of Center City identified as high desirability, high safety and low crime. My experience working in these neighborhoods has shown them to be two of the most economically challenged and dangerous.

The Brown Square area includes the “Fruit Belt;” a grouping of streets named after fruits known for poverty, crime and high immigrant populations (Governale, 2015). Located near Sahlen’s Stadium where the Rochester Rhinos play, this troubled neighborhood also contains Enrico Fermi School #17. New York State test scores consistently show School #17 to be one of the lowest performing schools in the state, firmly entrenched in the bottom 1% of all schools for the last decade (School #17- Enrico Fermi, 2016). The Susan B. Anthony Neighborhood includes the area around Nick Tahoe’s on Main St. has historically been considered part of the Crescent (Crescent of Poverty, 2015), so I added these neighborhoods to those coded in red. That brings the total number of high crime, low safety and low desirability neighborhoods to 16, or 44% of the 36 identified areas.

The Red-Light Camera Traffic Safety Program is contained within the City of Rochester, meaning there are no cameras at any suburban intersections. Of the 36 neighborhoods considered part of the city proper, 16 contain red light cameras. It is important to point out that there are no traffic cameras on Main St. in Center City, and the lack of cameras in one of the highest traffic areas in the County compared to other chosen intersections is alarming. Excluding downtown, 11 of the 15 neighborhoods are considered high crime, low safety and low desirability.

Literature Review

In the early years of the program, opposition pointed to a lack of statistical evidence proving the program increased public safety or justifying its need in the community. Three years into operations the City hired an independent auditor, SRF Associates, to evaluate the effectiveness of cameras in reducing the frequency and severity of accidents caused by red light violations (SRF Associates, 2014, p. 1). The City hoped the findings of the study, released to the public in November 2014, would provide overwhelming evidence that the program positively

impacted public safety and silence critics suggested the only benefits were to the City's bottom line. While the aggregate numbers appear impressive and overall accidents at red light intersections were down 26%, a deeper dive into the numbers raised questions about just how effective the program is.

Of the 32 intersections studied, 8 experienced increases in total collisions while 11 saw increases in rear end crashes and 6 had a higher frequency of right angle crashes. Overall, eleven of the 32 intersections saw increases in violations (SRF Associates, 2014, p. 23); with 35% of intersections seeing increased frequency of red light violations and 25% seeing increased collisions, some questioned if the cameras were affecting driver behavior as intended. One City Council member, Elaine Spaul, stated the cameras were intended to change driver behavior leading to few fines and few collection measures (Fien, 2015). While the cameras improved overall safety through accident reduction, the increase in violations and accidents at several intersections cast doubts on the overall efficacy and effect of the program while failing to silence opponents.

Concerns and Controversy

One of the concerns surrounding the Red Light Camera program is where the cameras are placed. According the study on Red Light Camera Effectiveness in Rochester released in November 2014, 207 potential camera locations were reviewed. These 207 locations were identified through recommendations from the Rochester Police Department's (RPD) review of accident data by City staff and traffic volumes. A small camera was placed at each of these locations for a 12-hour period to measure signal compliance. An intersection was recommended for installation if 15 or more red light violations occurred in the 12-hour period, if it exhibited a history of accidents, and if the camera manufacturer determined the intersection was suitable. A

team of City staff with representatives from the RPD, Information Technology, Engineering, Law and budget departments made the final decision on where the cameras would be installed (SRF Associates, 2014, pp. 2-3).

Several community members, including City Council Members who originally supported the cameras, have expressed concerns over them recently. In June 2015, both Council President Loretta Scott and Council member Adam McFadden expressed concerns that the program focuses on impoverished neighborhoods which disproportionately punishes Rochesterians with less disposable income (Fien, 2015). Further analysis of aggregate of the data from the SRF report suggests these Council members may have a point.

While plotting camera locations on the map in the Appendix, I noticed the same geographical pattern as Scott and McFadden. There are high concentrations of cameras in the high crime, low safety neighborhoods that form the Crescent. To see how high, I tallied the number of intersections and overall cameras located in each color coded section. Excluding Center City, 11 of the 15 neighborhoods with cameras are coded red on the map and considered high crime, high poverty areas. Of the 16 multi-camera intersections, 10 are located in those 11 high risk neighborhoods. In total, 53% of the intersections (17 of 32) and 56% of the cameras (27 of 48) are located in 31% (11 of 36) of Rochester Neighborhoods. If you remove Center City and only include neighborhoods with cameras, 61% of the intersections (17 of 28), 63% of cameras (27 of 43) and 67% of the multi-camera intersections (10 of 15) are located in high risk neighborhoods.

While these numbers show a disturbing trend, removing one block intensifies the argument the cameras target the poorest neighborhoods. Five cameras and three intersections located in the same block near Kodak Park where 104 forks into Ridge Rd and Ridgeway

Avenue, an area coded green. Removing that 100 sq. ft. area, in conjunction with Center City, the ratios are even more startling. That puts 68% of intersections (17 of 25), 71% of all cameras (27 of 38) and 71% of multiple-camera intersections (10 of 14) in impoverished neighborhoods. Simply put, neighborhoods with cameras located in the Crescent comprise less than one third of the City, but represent 73% of all residential neighborhoods monitored through the Red Light Camera Traffic Safety Program.

The concentration of red light cameras in the Crescent raised concerns about the privacy of citizens. License plate numbers and registration data as well as who owns the vehicle and where it's located are aggregated into large databases creating more opportunities to collect this data thus stockpiling this information (Lederman, Taylor, & Garrett, 2016, p. 118). There are several instances over the last few years of data breaches in the public sector and private industry, and this information could be used by hackers to track the movements of people, identify frequently used routes and compile locations on where to find someone. Private information relating to specific individuals could become widely available to people with ill intentions (Lederman, Taylor, & Garrett, 2016, p. 115)

While the current cameras only take photos of red light violations, as the technology associated with traffic enforcement cameras evolves these could turn into surveillance cameras used in broken windows policing. The theory of broken windows policing involves focusing on areas with unattended disorder to maintain public order (Smith & Greenblatt, 2016, pp. 460-461). By focusing on neighborhoods with high crime, high poverty and dilapidated structures with broken windows, controlling the main sources of crime. The neighborhoods with the highest concentration of red light cameras meet these criteria, and are already being watched 24/7. The RPD already has a Police Overt Digital Surveillance System (PODSS) comprised of fifty

cameras placed in high crime areas to help police maintain order (PODSS, 2016). Adding the red camera intersections to the PODSS program may be as easy as switching out cameras or updating software, and adding additional surveillance to already struggling neighborhoods falls in line with the current RPD policies and approach to policing these communities.

Lastly, concerns are prevalent over how the program is administered from start to finish; in particular, there are no witnesses to the offense and no due process. When a violation occurs, the camera snaps a photo of the vehicle license plate, making it difficult to identify the actual driver or passengers. The recorded footage of the violation is sent to Redflex Traffic Systems in Arizona, the company Rochester contracted for the cameras, where it is reviewed by company auditors. If these civilians determine a violation has occurred, the incident is sent back to Rochester and reviewed by members of the RPD. Notice of the violation is sent to the address attached to the vehicle registration along with a \$50 fine (Twietmeyer, 2015).

With no witnesses, officer discretion and the circumstances surrounding the violation are discarded in favor of photographic evidence that is often viewed as indisputable. There is no trial or opportunity to defend yourself- you're sent a document telling you that you are guilty and that you must pay a fine. If the owner wasn't driving the car when the violation occurred, they are still responsible. While I was unable to find statistics on what percentage of tickets are overturned, the City of Rochester rarely rescinds violations. There are also concerns violations aren't reported in a timely fashion, and that registered owners don't find out about the fine until it's too late. Failure to pay the violation can have extreme consequences, and some enforcement measures used support claims the program is a money grab for the City of Rochester.

Since the beginning of the program, unpaid violations were referred to the City's Collection Agency EOS CCA (City of Rochester, 2016). Unpaid penalties damage credit reports,

creating a scenario where the vehicle owner responsible for the violation is notified through their credit report and not the City assessing the fine. The judgments levied by the City stay on credit reports for years and can impact the ability to purchase cars or homes. Frustrated by accumulated unpaid fines, the City of Rochester implemented extreme policy measures to increase the collection of fines as revenue. In May 2015, the City started booting cars with unpaid red light camera violations (Riley, 2015). Many citizens and City Council members saw this as an overly aggressive measure to collect fines on a program advertised as a public safety measure, with McFadden and Scott pointing to the impact and perceived focus on the poorest neighborhoods in the city.

Additionally, Mayor Warren has included further punitive measures in her Fiscal Year 2016 Budget. Despite the fact these tickets are a civil matter, Mayor Warren included a plan to report these violations to the Department of Motor Vehicles (Riley, 2015). Reporting these tickets to them could impact the ability to register a vehicle, renew a license and could lead to suspension or revocation of driving privileges. Should this happen to a vehicle owner who is held responsible for another motorist or one who isn't properly notified, charges like driving without a license, driving on a suspended license and driving an unregistered vehicle become tangible turning a civil fine into a serious criminal matter.

Despite the negative public perception of the program and the implications the cameras target low income residents, many argue the financial benefits of the Red Light Camera Traffic Enforcement Program, the City of Rochester will ensure the initiative continues. While estimates range on how much revenue red light fines the City makes, in 2014 the city assessed almost 87,000 citations generating \$3.7 million dollars in revenue (Davidsen, 2015). It is not clear much of that money the City got to keep, and the Rochester CAFR doesn't identify the red light

cameras as a specific revenue source. It also doesn't mention where the money went, or how the revenue generated from the cameras will be used to benefit the City. fact the revenue is hidden in other line items and not specifically discussed supports the claims this program is a cash cow for the City of Rochester.

One thing that is clear is the cameras aren't going anywhere in the near future. In November 2014, City Council voted to extend the program through December 1, 2019 by a 6-3 margin. The three council members who voted against continuing the program were Elaine Spaul, Adam Mc Fadden and Loretta Scott (Staff Report, 2014).

Conclusion

While the report from SRF associates provides data that the cameras provide some public health and traffic safety benefits, I do not think they outweigh the negative impact the Red Light Camera Traffic Safety Program has had on the City of Rochester. These cameras were advertised and implemented as a public safety measure, but when due process is removed and fines are levied with the assumption of guilt, it becomes harder to see them as anything other than a cash cow for a struggling City. Based on the location and quantity of cameras located in the Crescent, there are strong implications this program is in fact targeting the neediest families in our community and some of the poorest neighborhoods in all New York State. The measures the City chooses to ensure payment of these fines are excessive, and inflict damage beyond a \$50 fine if not paid promptly. The decision to boot vehicles, send fines to collection and report them to the DMV show how desperate the City of Rochester is to maintain this revenue source, especially when 3 City Council members who initially supported the initiative have raised serious concerns about the equity of the program in an already racially divided community. At the least, the City of Rochester owes its citizens transparency over how much revenue is

generated from the program. Hiding the proceeds in vague fund balances does nothing to support claims that the goal of the cameras is to improve traffic safety.

If the focus is on profits instead of public safety, privacy and security of sensitive information is most likely an afterthought. Part of public health is peace of mind; the ability for the public to feel safe and protected in the community knowing the police and government are protecting your rights. As long as these cameras are part of the City, the lack of trust felt by the residents of the Crescent and vehicle owners who were mistreated or ignored during the violation process will override any feelings of security. The City already uses PODSS as a tool, harming the relationship between the community and the RPD. Until studies show overwhelming reductions in accidents and violations strengthening the public safety stance or due process is added allowing for the application of circumstantial discretion, the harm the cameras cause will continue to outweigh any safety benefits. Angry citizens will continue to feel like the program is nothing more than a cash cow, creating further resentment for a City government more concerned with collecting fines than addressing the blatant racial, procedural and civil right concerns the Red Light Traffic Safety Program leaves in its wake.

References

- Bortnick, C. J. (2009, April 2). *Rochester to Get Traffic Cameras*. Retrieved from The 9/12 Project: article referenced taken from RNews:
<http://www.meetup.com/WSR912/messages/boards/thread/6617713>
- City of Rochester. (2016, April 27 2016). *Red Light Camera Program- Frequently Asked Questions*. Retrieved from Red Light Camera Traffic Safety Program:
<http://www.cityofrochester.gov/article.aspx?id=8589940922>
- Crescent of Poverty*. (2015). Retrieved from RocWiki: The People's Guide to Rochester:
http://rocwiki.org/Crescent_of_Poverty
- Davidson, B. (2015, November 2). *NYS Exposed: The future of red light cameras in Rochester*. Retrieved from WHEC Rochester- News 10:
<http://www.whec.com/article/stories/s3950224.shtml>
- Governale, M. (2015, August 26). *Help Nurture Rochester's Fruit Belt*. Retrieved from RochesterSubway.com: <http://www.rochestersubway.com/topics/2015/08/help-nurture-rochesters-fruit-belt/>
- Lederman, J., Taylor, B. D., & Garrett, M. (2016). A private matter: the implication of privacy regulations for intelligent transportation systems. *Transportation Planning and Technology*, 39:2, 115-135.
- Rochester, NY Neighborhoods*. (2016, April 27). Retrieved from Google Maps:
<https://www.google.com/maps/d/u/1/viewer?hl=en&oe=UTF8&vps=1&msa=0&ie=UTF8&jsv=290a&authuser=1&mid=1iJHDrruEBEwP1yeJKYi-vCNfobs>

Smith, K. B., & Greenblatt, A. (2016). *Governing States and Localities*. Los Angeles: CQ Press, an Imprint of Sage Publications, Inc.

SRF Associates. (2014). *Red Light Camera Effectiveness Evaluation*. Rochester: City of Rochester, Monroe County, New York.

Voorhees, S. (2015, June 24). *Rochester City Councilman Calls for Investigation Into Red Light Camera Program*. Retrieved from Time Warner Cable News:

<http://www.twcnews.com/nys/rochester/news/2015/06/24/red-light-cameras-rochester-adam-mcfadden.html>

Appendix:

Camera Placement in Neighborhoods Color Coded by Safety & Desirability

