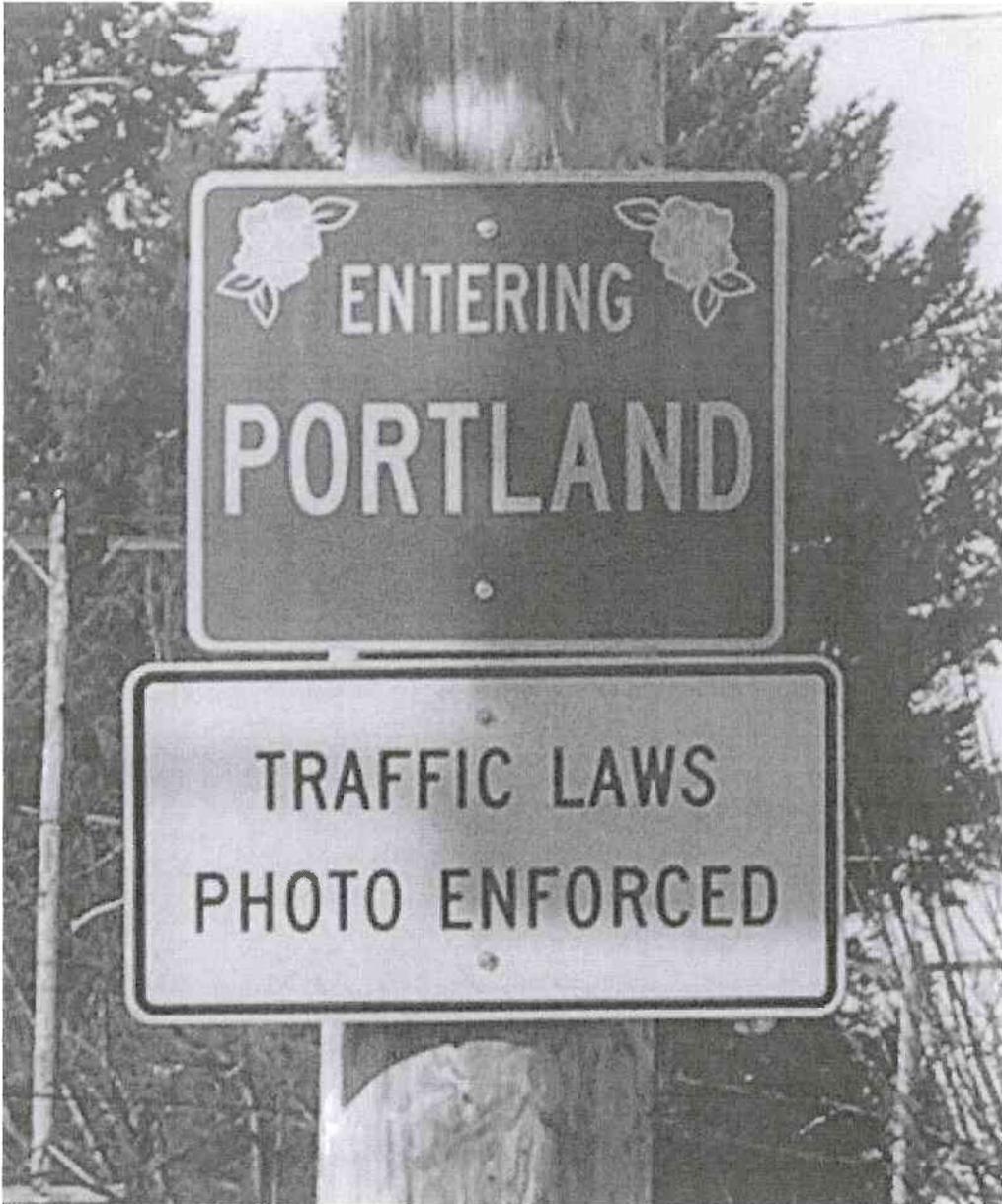


CITY OF PORTLAND PHOTO ENFORCEMENT REPORT 2011-2012



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BACKGROUND – REPORT REQUIREMENTS

The Oregon Revised Statute authorizing photo radar in cities was amended in the Legislative session of 2005. This amendment required cities using photo radar to conduct a process and outcome evaluation once each biennium.

A copy of the amended Statute is included below:

(3) A city that operates a photo radar system under this section shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:

- (a) The effect of the use of the photo radar system on traffic safety;*
- (b) The degree of public acceptance of the use of photo radar system;*

and

- (c) The process of administration of the use of the photo radar system.*

(4) By March 1 of the year of each regular session of the Legislative Assembly:

(a) The Department of Transportation shall provide to the Legislative Assembly an executive summary of the process and outcome evaluations conducted under subsection (3) of this section; and

(b) Each city that operates a photo radar system under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section.

[1995 c.579 1; 1997 c.280 1; 1999 c.1071 1; 2005 c.686 3]

PHOTO-RADAR

I. PHOTO RADAR AND ITS EFFECT ON TRAFFIC SAFETY

A. BACKGROUND

Photo radar is a method of traffic speed enforcement that is used to detect speeding violations and record identifying information about the vehicle and driver automatically. Violation evidence is processed and reviewed in an office environment and violation notices are delivered to the registered owners of identified vehicles after the alleged violation occurs, rather than at the time of the offense.

The City of Portland received authority from the 1995 Legislature to conduct a two year test of photo radar. After a successful test phase, the Legislature extended the use of photo radar. The City of Portland is now in its seventeenth year of photo radar operation and the program is a cornerstone of the Portland Police Bureau's efforts to reduce speeding.

The year 2011 marked the first year of our full transition to using digital photo-radar equipment as opposed to the film cameras used since the program was developed. The digital equipment has out-performed the film-based equipment in every way. Most notable is the quality of the high resolution violation photos.

These higher quality images are posted securely online for the violator to review upon receipt of a photo-radar citation. Using a PIN number specific to each violation, the recipient can log into the Xerox website and view high quality images of their violation.

The transition to digital equipment has shown an increase in the citation issuance rate of approximately 25%. This is due not only to the higher quality digital images, but in the reduction of lost deployments due to operator error afforded by the new equipment.

The goals of the Portland Police Bureau's Photo-Enforcement program remain unchanged: **Reduce Speeding, Reduce Crashes, Save Lives**

B. PHOTO RADAR DEPLOYMENT

The Portland City Council, through City Ordinance #172517, has directed the Police Bureau to deploy photo radar in school zones, highway work zones, residential streets, and other streets determined to have an unusually high number of crashes or speeding complaints.

The Traffic Division's emphasis on photo-enforcement has been:

- School zones
- Work zones
- Residential areas
- High crash corridors
- Areas with history of speed related crashes and complaints
- Citizen and police officer requests for photo-radar deployments



School Zones

The Portland Police Bureau remains dedicated to the safety of the numerous school zones throughout our city. Photo-radar has been used extensively for speed enforcement in school zones city-wide. Requests for photo-radar deployments in school zones have come from school administrators, school resource officers, neighbors living near schools, and parents of children attending the schools. We have strived to fulfill every quest for a school zone deployment that we have received.



Our deployment signage complies with state law in regards to school zones without flashing beacons. The school zone deployment signs, meeting the dimensions required under ORS, indicate 'SCHOOL IN SESSION' in addition to the standard admonishment that photo-radar is being deployed. These signs are placed 100-400 yards prior to any photo-radar deployment

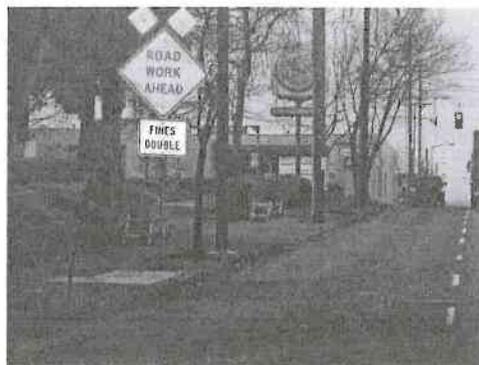
High Crash Corridors

Based on crash data gathered by the Portland Bureau of Transportation, a number of streets and locations throughout the City of Portland have been designated as High Crash Corridors. These locations are taken into consideration when planning photo-radar deployments. Locations currently designated as high crash corridors are:

NE/SE 82nd Ave.
NE/SE 122nd Ave
SE Foster Road
SW Barbur Blvd.
N/NE Marine Drive
SW Beaverton-Hillsdale Highway
SE Division St.
W/E Burnside St.
NE Sandy Blvd.
SE Powell Blvd.

Highway Work Zone

In the spring and fall of 2009, the Portland Police Traffic Division partnered with O.D.O.T. in a test project using photo-radar in a state highway work zone. This project encompassed a 3.2 mile stretch of N.W. Yeon St, which is also US Hwy 30. The use of photo-radar in this test was very successful, capturing an average of 10.75 violations per hour for a total of 2,065 violations for the five month test period.



Since this test project, photo-radar has been used to enforce work zone speed limits throughout 2011 and 2012. Photo-radar has been used in the following work zones: Highway 99-E/viaduct project, the Morrison Bridge re-decking project, and most currently in the Sellwood Bridge/Hwy 47 project.

The use of photo-enforcement in state highway zones has proven to be a very effective use of police resources. Photo-enforcement in state highway work zones are done in strict compliance with ORS.811.439, Section 4:

Sec. 4. Highway work zone. (1) *The Department of Transportation may operate photo radar within a highway work zone that is located on a state highway, except for a highway work zone located on an interstate highway.*

(2) *The department, at its own cost, may ask a jurisdiction authorized to operate photo radar under ORS 810.438 (1) or the Oregon State Police to operate a photo radar unit in a highway work zone on a state highway, except for a highway work zone located on an interstate highway.*

(3) *A photo radar unit operated under this section may not be used unless a sign is posted announcing that photo radar is in use. The sign posted under this subsection must be all of the following:*

(7) *Located on the state highway on which the photo radar unit is being used.*

(b) *Between 100 and 400 yards before the location of the photo radar unit.*

(4) *The department shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (5) of this section that includes:*

(7) *The effect of the use of photo radar on traffic safety;*

(b) *The degree of public acceptance of the use of photo radar; and*

© *The process of administration of the use of photo radar.*

(5) *The department shall report to the Legislative Assembly by March 1 of each odd-numbered year.*

(6) *As used in this section, "highway work zone" has the meaning given that term in ORS 811.230. [2007 c.634 §4]*

Sec. 5. Highway work zone; citation. (1) *Notwithstanding any other provision of law, when a jurisdiction or the Oregon State Police uses photo radar in a highway work zone:*

(7) *A citation for speeding may be issued on the basis of photo radar if the following conditions are met:*

(7) *The photo radar unit is operated by a uniformed police officer.*

(B) *The photo radar unit is operated out of a marked police vehicle.*

© *An indication of the actual speed of the vehicle is displayed within 150 feet of the location of the photo radar unit.*

(D) *The citation is mailed to the registered owner of the vehicle within six business days of the alleged violation.*

(E) *The registered owner is given 30 days from the date the citation is mailed to respond to the citation.*

(F) *One or more highway workers are present. For the purposes of this subparagraph, "highway workers" has the meaning given that term in ORS 811.230.*

(G) The jurisdiction operating photo radar complies with the requirements described in section 4 of this 2007 Act.

(b) A rebuttable presumption exists that the registered owner of the vehicle was the driver of the vehicle when the citation is issued and delivered as provided in this section.

© A person issued a citation under this subsection may respond to the citation by submitting a certificate of innocence or a certificate of nonliability under subsection (3) of this section or may make any other response allowed by law.

(2) A citation issued on the basis of photo radar may be delivered by mail or otherwise to the registered owner of the vehicle or to the driver. The citation may be prepared on a digital medium and the signature may be electronic in accordance with the provisions of ORS 84.001 to 84.061.

(3)(a) A registered owner of a vehicle may respond by mail to a citation issued under subsection (1) of this section by submitting, within 30 days from the mailing of the citation, a certificate of innocence swearing or affirming that the owner was not the driver of the vehicle and by providing a photocopy of the owner's driver license. A jurisdiction that receives a certificate of innocence under this paragraph shall dismiss the citation without requiring a court appearance by the registered owner or any other information from the registered owner other than the swearing or affirmation and the photocopy. The citation may be reissued only once, only to the registered owner and only if the jurisdiction verifies that the registered owner appears to have been the driver at the time of the violation. A registered owner may not submit a certificate of innocence in response to a reissued citation.

(b) If a business or public agency responds to a citation issued under subsection (1) of this section by submitting, within 30 days from the mailing of the citation, a certificate of nonliability stating that at the time of the alleged speeding violation the vehicle was in the custody and control of an employee, or was in the custody and control of a renter or lessee under the terms of a rental agreement or lease, and if the business or public agency provides the driver license number, name and address of the employee, renter or lessee, the citation shall be dismissed with respect to the business or public agency. The citation may then be issued and delivered by mail or otherwise to the employee, renter or lessee identified in the certificate of nonliability.

(4) If the person named as the registered owner of a vehicle in the current records of the Department of Transportation fails to respond to a citation issued under subsection (1) of this section, a default judgment under ORS 153.102 may be entered for failure to appear after notice has been given that the judgment will be entered.

(5) The penalties for and all consequences of a speeding violation initiated by the use of photo radar are the same as for a speeding violation initiated by any other means.

(6) A registered owner, employee, renter or lessee against whom a judgment for failure to appear is entered may move the court to relieve the registered owner, employee, renter or lessee from the judgment as provided in ORS 153.105 if the failure to appear was due to mistake, inadvertence, surprise or excusable neglect.

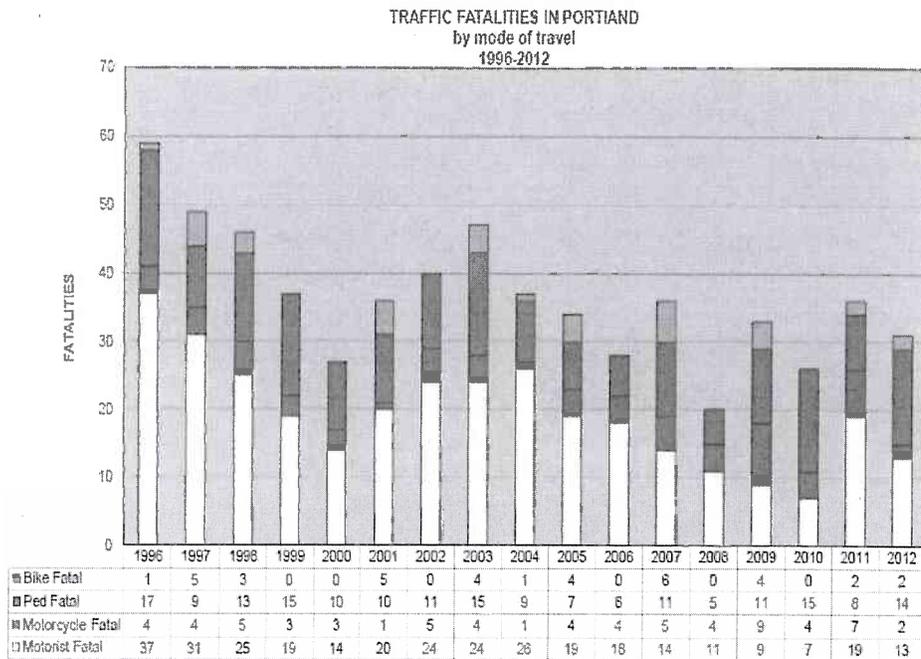
(7) As used in this section, "highway work zone" has the meaning given that term in ORS 811.230. [2007 c.634 §5]

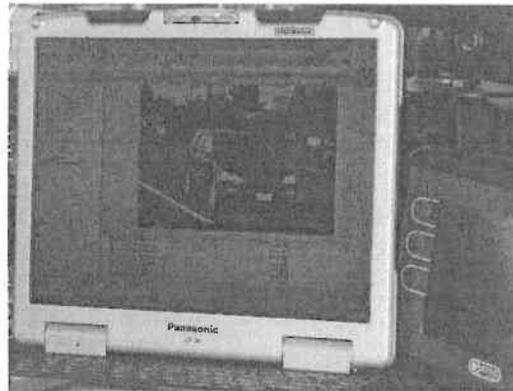
Sec. 6. Sections 4 and 5 of this 2007 Act are repealed on December 31, 2014. [2007 c.634 §6]

One of the provisions of ORS 811.439 in regards to using photo-radar in a state highway work zone is that *one or more highway workers must be present*. To ensure compliance with this provision, officers deploying photo-radar on any given date will check-in with the project manager to ensure that work is being conducted. The officer will visually verify the presence of one or more “highway workers” and record that in a notation on the photo-radar deployment log.

C. IMPROVEMENTS IN TRAFFIC SAFETY

Studies have shown that photo-enforcement has been effective in reducing speeding within the boundaries of the City of Portland. The trend is clearly visible that with increasing exposure to photo radar, the percent of vehicles that were exceeding the posted speed limit has been decreasing. A possible interpretation of this trend is that photo radar vans are decreasing vehicle speeds; in turn, this could be assumed to be decreasing speed related crashes. There are other interpretations of course. People are now more familiar with the photo radar vans and their deployments and learn to slow down. The table below illustrates the decline in fatal crashes since the inception of the photo-enforcement program.





	2011	2012
Enforcement Hours	1,855	1,784
Vehicles Monitored	1,043,221	958,622
Violations Captured	38,149	29,490
Citations Issued	27,565	19,945

Top 5 Photo-Radar Deployment locations in 2011:

1. S.E. McLoughlin Blvd @ 3300 Block [Highway 99-E work zone]
2. N.E. Willow St. @ 6100 Block [Residential Street]
3. S.E. Hawthorne St./2400 block [Pedestrian corridor]
4. SE Division St/10800 block [High crash corridor]
5. S.E 92nd Ave. @ 2200 block [Posted school zone]

Top 5 Photo-Radar Deployment locations in 2012:

1. SE Hawthorne St./2400 block [Pedestrian corridor]
2. SE Division St/10800 block [High crash corridor]
3. SW Beaverton-Hillsdale Hwy. [High crash corridor]
4. NE Lombard St/2200 block [Traffic safety issue]
5. SE 92nd Ave./2200 block [Posted school zone]

II. PHOTO RADAR PROCESS OF ADMINISTRATION

The basic steps involved in issuing a photo radar citation are:

1. Violation detection
 2. Violation processing
 3. Quality control checks
 4. Citation review and approval by the police officer
 5. Citation mailing
1. Violation detection occurs when a police officer operating a marked police vehicle visually observes a violation. The police officer also hears an audible signal indicating the violator speed. The officer maintains an observation log at each deployment and takes notes of each violation.

At least three photographs are generated for each violation.

These include the vehicle in the radar beam approaching the police vehicle, a close up photo of the driver in the violation vehicle, and a close up picture of the violation vehicle license plate. The violation vehicle's speed is displayed on a reader board at the back of the photo radar vehicle.

The police officer maintains a checklist for each deployment to document that they are following all of the technical procedures for operating the photo radar equipment.

2. Violation processing:

Violation images are downloaded from the laptop computer aboard the photo-radar van each day by our vendor, Xerox State and Local Solutions [Formerly ACS]. Those images are sent electronically to the vendor's processing facility.

If they can identify the license plate, they send a request to the Oregon Department of Motor Vehicles (DMV) for the registered owner information. The DMV sends this information back to Xerox. The pertinent details of the violation (such as location, date, time, speed, etc.) are reviewed by the vendor along with the registered owner information.

3. The vendor discards violations where there is no gender match to the registered owner or owners. They also discard any violations where the driver is not identifiable due to factors such as glare, face blocked by a visor, etc.
4. Any violations that pass this first screening by Xerox are then sent to the issuing police officer as citations. The issuing police officer reviews the citations for accuracy and electronically signs them. The approved citations are sent back to Xerox for issuing.
5. Xerox then mails this citation, along with a photo from the violation, to the registered owner. This citation must be mailed to the registered owner within six (6) business days to remain in compliance with Oregon law. The registered owner has thirty (30) days to respond to this citation. They are afforded all of the same rights as a defendant would have with any traffic violation. The citation is processed through the State of Oregon Court system. The presumption in Oregon is that the registered owner is the driver at the time of the violation.

If the registered owner was not driving the vehicle when the violation occurred, they may file a Certificate of Innocence with the Circuit Court, at which time the citation will be dismissed. A Certificate of Innocence is included with each citation.

The Police Bureau's photo radar program manager subsequently reviews these Certificates of Innocence for accuracy.

III. PUBLIC ACCEPTANCE OF PHOTO RADAR

The City of Portland has been monitoring public opinion of photo radar over the years of deployment and enjoys a strong public acceptance of photo radar as a valuable tool against speeding. In September 1996, a public opinion poll was conducted that showed 74% of city residents approved of photo radar use in neighborhoods. This same poll showed that 89% of city residents approved of photo radar use in school zones.

In 2003, a public opinion poll was conducted by Davis & Hibbitts, Inc. showed that 87% of city residents were concerned about speeding.

Again in 2005, the public opinion firm of Davis, Hibbitts and Midghall, Inc. (DHM) conducted a telephone survey poll of Portland residents. Four hundred interviews were conducted and the purpose of the survey was to assess the impact of photo radar use in school zones. In this survey 68% of the respondents agreed with the use of photo radar in school zones. This survey also showed that 85% of the respondents would drive slower all of the time if they saw photo radar being used at least three times per week.

In 2010 the Portland Police Bureau's photo-enforcement program was selected for review as part of a study done for the National Cooperative Highway Research Program [NHRCP]. Our program was one of only five programs nationwide to be selected for review. Our program was selected because of its longevity, continued success, and continued public support. In that review, we stressed the importance of maintaining the public's trust and running a transparent program.