



WHAT PARKING CAN LEARN FROM RED LIGHT CAMERA ENFORCEMENT

By Leonard T. Bier, JD, CAPP

What can on-street municipal parking enforcement learn from red light camera traffic violation enforcement? Twenty-four states and the District of Columbia have approved some form of red light camera enforcement that captures the license plate numbers of vehicles that drive through amber lights and reach the other side of the intersection after the light turns red. Most states argue that automated red light enforcement at selected intersections with higher than average auto collision rates reduces the number of accidents that occurred there.

Data analysis seems to support the premise that accidents have been reduced significantly at red light camera intersections with cameras. Accident types have changed from head-on and T-bone collisions with fatal or severe consequences to rear-end accidents with noticeably less bodily injury, as people stop short at intersections when the light changes to avoid receiving a ticket.

To get the various state legislatures to approve the concept of automated license plate photo enforcement of red light violations, most states decriminalized the issuance of the traffic summons and the adjudication process to dispute violations.

Decriminalization

The first step in decriminalizing the traffic offense allowed the violation notice to be mailed via ordinary mail after a sworn police officer reviewed the online photo documentation and certified that a traffic violation occurred. Mailing a red light summons instead of personally serving the driver of the vehicle or using registered mail return receipt requested—a costly and time-intensive process—lowers the cost and increases the efficiency of summons issuance.

The automated red light camera violation in almost all states carries no motor vehicle points. Adjudication of the red light violation is handled administratively in many states and not in the municipal court. Drivers receive photo documentation of their driving offense and may contest a red light camera violation by sending in a letter defense or scheduling a hearing for a specific date and time with a hearing officer who has the power to dismiss the violation with no municipal prosecutor or judge required (this is not true in all states, but most).

Parking

Shouldn't the same decriminalization procedure for automated red light traffic enforcement and adjudication

be available for municipal parking violations? If a municipality uses mobile license plate recognition (LPR) to enforce residential permit parking or time limits by electronically chalking tires, shouldn't a parking enforcement officer be allowed to download the images of the parking violations at the end of his shift and process the violations the same way as red light camera traffic offenses? Why should a motorist who has received a parking violation notice need to take the time to go to municipal court for adjudication?

Some states allow administrative adjudication of parking offenses but only in their most populated cities. New York City and Philadelphia have administrative adjudication of parking offenses. The New York state statute allows any city in the state with a population of more than 300,000 to establish a system for the administrative adjudication of parking violations. However, New York City, which includes the five boroughs of Manhattan, is the only city in the state with a population that large. The other three cities that have administrative adjudication of parking violations—Yonkers, Rochester, and Buffalo—have smaller populations. These cities, as well as the counties of Suffolk and Nassau, were granted parking offense administrative adjudication by special acts of the state Legislature.

Technologies such as static and vehicle-mounted or handheld LPR cameras, embedded road sensors, advanced roadside meters, and dashboard GPS are making automated parking violation enforcement a reality. These technologies, like red light camera enforcement, produce supporting documentary evidence of the parking violation. Existing technology enables parking tickets to be paid at multi-space meters that are outfitted with alpha numeric keypads and/or barcode readers and online, rather than by mail or at a municipal court violations window. **P**



LEONARD T. BIER, JD, CAPP, is the principal of Bier Associates. He can be reached at lenbier@optonline.net or 732.828.8864.