

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.10

REVISED AUGUST 2019

AUTOMATED PHOTO RED-LIGHT ENFORCEMENT

This publication contains material exempt from public disclosure identified by a shaded overlay. Exempt material shall not be disclosed outside CHP except to allied agencies with their agreement not to disclose the information outside their agency.

1. AUTHORITY. The California Vehicle Code (CVC) regulates the implementation and operation of automated photo red-light enforcement systems. See Annex A for a complete list of the applicable CVC sections.

2. BACKGROUND.

a. California's Legislature authorized the use of automated traffic enforcement systems at controlled intersections in 1996 for a trial period of three years. In early 1998, as the law reached its sunset clause, the Legislature approved the continued use of automated traffic enforcement systems at controlled intersections.

b. California law, unlike other states, assigns liability to the driver and not the registered owner of the vehicle. Whereas other states photograph the vehicles from the rear to attain the rear plate number and assign liability to the registered owner, California law requires a clear photograph of a vehicle's license plate and of the driver. In order to achieve this, the photographic evidence is taken of the front of the vehicle.

c. In California, if a violator fails to respond to the mailed notice to appear, a hold is placed on their driver license and vehicle registration.

d. California's law, Section 21455.5(c) CVC, states that "Only a governmental agency, in cooperation with a law enforcement agency, may operate an automated traffic enforcement system." Since its inception, there have been differing interpretations on the definition of the word "operate." Some programs allowed the

manufacturer or supplier of the automated traffic enforcement equipment to have too much responsibility for the program which led to significant court challenges.

e. In September 2003, Assembly Bill (AB) 1022, Vehicles: Automated Enforcement Systems, was signed by Governor Davis and became effective January 1, 2004. Assembly Bill 1022 amended Sections 21455.5, 21455.6, and 21455.7 CVC to clarify the ambiguous language that had resulted in inconsistent programs and some court challenges. In September 2012, Senate Bill (SB) 1303, Vehicles: Automated Traffic Enforcement Systems, was signed by Governor Brown and became effective January 1, 2013. Senate Bill 1303 further amended Section 21455.5 CVC to ensure red-light camera programs maximize traffic safety and are implemented in a lawful and transparent manner.

3. PURPOSE. This General Order (GO) is in compliance with the provisions of AB 1022 and SB 1303 and is intended to provide guidelines for a consistent approach relating to the negotiation, implementation, operation, and management of an automated photo red-light enforcement program.

4. SUMMARY OF TECHNOLOGY. The following is a synopsis of the automated photo red-light enforcement system and how it operates:

a. For a violation to be photographically recorded, three predetermined conditions must be satisfied.

(1) Traffic Signal. The traffic signal display facing the motorist must be red. The photo enforcement system safety feature does not provide power to the camera unless the traffic signal is in the red phase.

(2) Delay Setting. The predetermined delay setting has elapsed. The photo enforcement system contains a feature that allows a delay from the time the camera receives power to the time the camera initiates the first photograph (0.1 second delay is utilized).

(3) Vehicle Detection.

(a) Ground Sensors (Detection Loops). The vehicle speed crossing from the first ground sensor (known as loop) to the second ground sensor is greater than the predetermined minimum threshold speed. The photo enforcement system allows the setting of the speed at which point a photograph is taken. Normally, the settings are preset to a speed between 12 to 15 miles per hour.

(b) Radar Detection (Loopless Trigger Radars). The radar antenna is aimed at a target area on a traffic lane creating a virtual loop. As a vehicle passes through the virtual loop, the speed is determined.

NOTE: The delay setting and ground sensor vehicle speed are considered business rules and are determined at the time contracts are negotiated.

b. Photograph Components. A minimum of four photographs are taken for each violation. The first photograph will be of the vehicle placement prior to the limit line. The second photo will be of the vehicle placement beyond the limit line. The third photo will be of the driver of the vehicle, and the fourth photo will be of the vehicle's license plate. From photographs 3 and 4, enlargements are made to reflect the driver's face and vehicle's license plate number.

(1) The photograph below shows the vehicle at the point where it has triggered the system. This photograph details the date and time of the violation, a sequential violation number, the lane number, yellow phase time preceding the violation, the elapsed red time, and the camera location identifier.



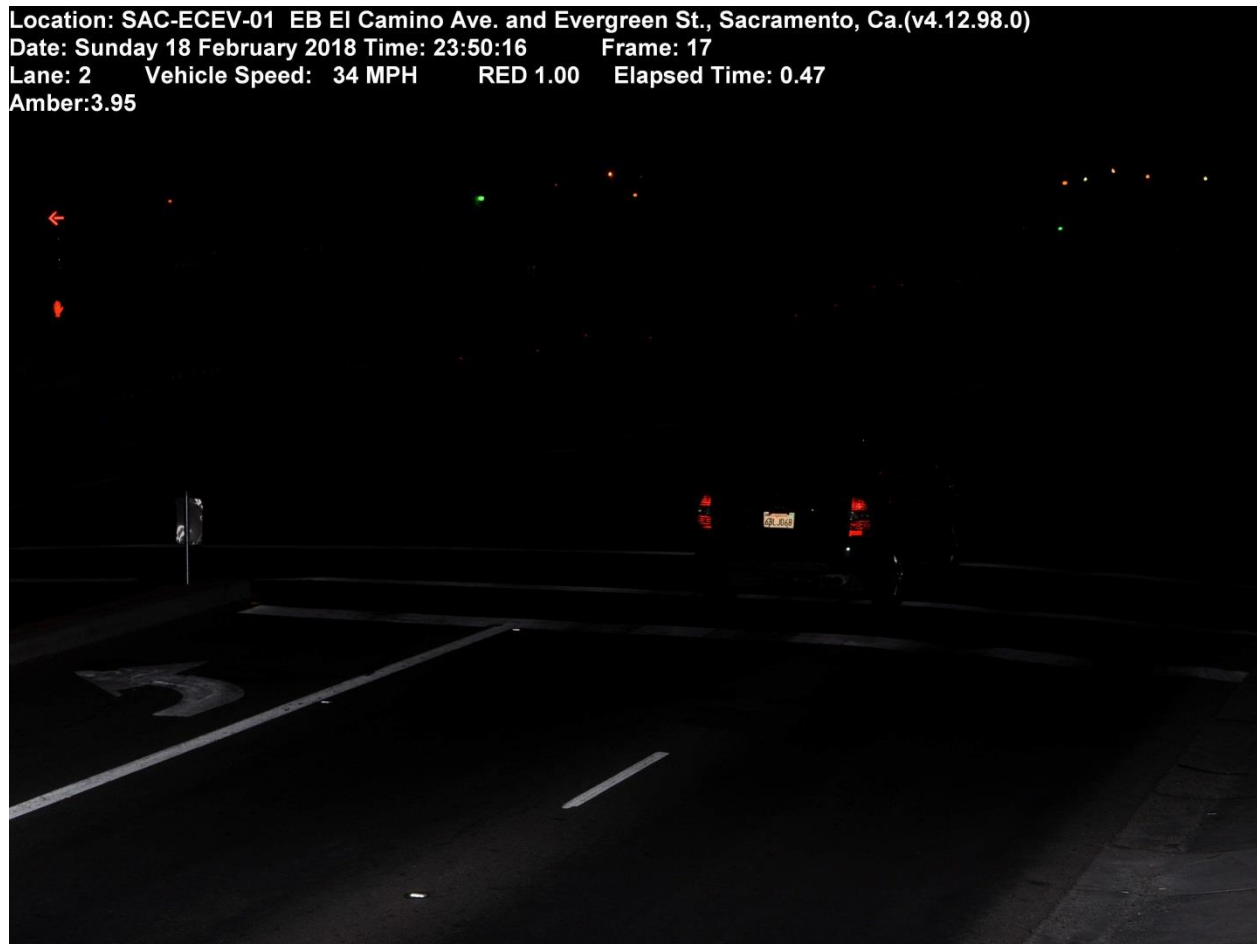
(2) The photograph below was taken at a predetermined distance from the point where the first photograph was taken. This photograph details the date and time of the violation, the elapsed red time at the moment of the second photograph, and the vehicle speed.



(3) The photograph below is of the passenger compartment of the violator vehicle. This photograph details the date and time of the violation, the elapsed red time at the moment of the third photograph, and the vehicle speed.



(4) The photograph below is of the license plate of the violator vehicle. This photograph details the date and time of the violation, the elapsed red time at the moment of the third photograph, and the vehicle speed.



c. The notice to appear mailed to the registered owner of the vehicle reflects the photographs and enlargements which are time and date stamped.

d. Digital photo systems encrypt the photos and data into a digital file and store it onto an internal hard drive.

5. RESPONSIBILITIES.

(a) Area Commander.

(1) Commanders shall ensure all policy and procedures within this GO are reviewed and followed when managing an automated photo red-light enforcement program.

(2) Commanders shall ensure adequate supervisory involvement and oversight of the program to ensure compliance of all other departmental policy and procedures.

(3) Upon learning of any governmental agency interested in pursuing an automated photo red-light enforcement program within California Highway Patrol (CHP) jurisdiction, Area commanders shall ensure:

(a) The governmental agency understands the CHP has primary traffic enforcement jurisdiction at all intersections within the unincorporated county area.

(b) Division commanders are notified.

(c) Communication with interested agencies is maintained.

(d) An initial assessment of the impact of the proposed automated photo red-light enforcement program is performed (refer to paragraph 6.).

(e) The governmental agency is made aware of any limitations of implementing an automated photo red-light enforcement program before jointly undertaking a program proposal.

(f) All departmental prerequisites and conditions are satisfied before automated photo red-light enforcement may be implemented.

(g) A proposal for implementing an automated photo red-light enforcement program, following the guidelines in paragraph 7. of this GO, is prepared and submitted through the chain of command to the Office of Assistant Commissioner, Field (ACF).

b. Division Commanders.

(1) Division commanders shall carefully review the proposal and amend it if necessary. Once approved by the Division commander, the proposal shall be forwarded to ACF for approval.

(2) Once the proposal has been approved by ACF, Area commanders shall follow the guidelines/procedures provided in this GO when implementing and managing the program.

c. Assistant Commissioner, Field. Assistant Commissioner, Field, shall review the proposal and provide final approval.

6. INITIAL PROGRAM ASSESSMENT. While assessing the program implementation issues, consideration should be given to the following:

a. Personnel Issues. How many CHP Area commands are within the proposed program region?

(1) The Division commander shall be consulted to determine the most efficient and feasible manner in which to manage the program (i.e., the number of officers needed to effectively run the program).

(2) Once an automated photo red-light enforcement program has been implemented, the needed staffing for program operation should be decided based on the number of intersections/cameras included in the program and the estimated number of citations expected to be issued monthly.

(3) Officer time, mileage, and administrative costs shall be reimbursed via a contract with the governmental agency.

b. Intersection Selection. How many intersections will be selected for the program?

(1) When negotiating the intersection selections, the primary focus shall be on improving traffic safety. Automated photo red-light enforcement shall not be a tool used only to generate revenue.

(2) Consideration should be given to the following:

(a) The volume of crashes.

(b) The severity of crashes.

(c) Number of tickets issued.

(d) Civilian complaints.

(e) Traffic complaints.

c. Engineering Limitations at Intersections. If an intersection has engineering shortcomings, they shall be addressed before installing the cameras.

7. PROPOSAL COMPONENTS. An automated photo red-light enforcement proposal prepared by the Area shall contain, but is not limited to:

a. Information pertaining to results of the initial program assessment.

- b. Information pertaining to a proposed Letter of Agreement between the governmental agency and CHP.
- c. Information pertaining to the selected manufacturer/supplier of the automated traffic enforcement equipment.
- d. Information pertaining to the scope of work that will be required of the manufacturer/supplier of the automated traffic enforcement equipment.
- e. Proposed intersections for implementation and supporting traffic safety information.
- f. Information relating to the proposed public awareness campaigns.
- g. Any background or supporting information (e.g., political discussions, news articles).

8. PROGRAM NEGOTIATIONS. Upon approval from ACF for an automated photo red-light enforcement program, Area and Division commanders shall:

- a. Negotiate a Letter of Agreement with the requesting governmental agency, including components listed in paragraph 9.a.
- b. Ensure the contracting governmental agency has negotiated a contract with a manufacturer/supplier of automated traffic enforcement equipment, and the terms and conditions are approved by the Area and Division commanders including components listed in paragraph 9.b.
- c. Determine the necessary program management staffing levels depending upon the number of involved intersections/cameras and the estimated number of violations expected each month.
- d. Ensure the governmental agency:
 - (1) Conducts a public hearing regarding the establishment of the program.
 - (2) Completes the required engineering surveys.
 - (3) Completes the appropriate signing before program implementation. Automated traffic enforcement systems installed as of January 1, 2013, must, by January 1, 2014, have signs identifying the system posted within 200 feet of the intersection where the system is operated. The signs must be visible to traffic approaching from all directions in which the system is utilized to issue citations.

(4) Conducts an information campaign to stimulate public awareness and interest in the automated photo red-light enforcement program.

NOTE: Area and Division commanders should be consulted regarding the content of the public campaign materials.

(5) Establishes a 30-day warning period prior to beginning enforcement.

(6) Has fulfilled their program responsibilities prior to the implementation of the program.

e. Ensure a program-specific standard operating procedure (SOP) and necessary local forms are prepared (refer to paragraph 10.).

9. CONTRACT COMPONENTS.

a. Letter of Agreement Between Governmental Agency and the California Highway Patrol. When negotiating the Letter of Agreement between the governmental agency and the CHP, Area and Division commanders shall ensure the following:

(1) The CHP is provided with significant input in determining which intersections would be most appropriate.

(2) The appropriate city or county Board of Supervisors is consulted when selecting appropriate intersections.

(3) The CHP is provided with significant input in determining the scope of services required of the manufacturer/supplier of the automated traffic enforcement equipment (i.e., business rules of operation). The manufacturer/supplier of the automated traffic enforcement equipment shall not:

(a) Have any input regarding intersection selection.

(b) Be responsible for screening photographs for violations.

(c) Prepare/mail the notice to appear.

(4) The CHP has final approval of all citations sent to violators.

(5) The CHP is authorized to perform unannounced camera site inspections.

(6) The CHP is provided with the right to have the cameras independently calibrated on at least an annual basis.

(7) The CHP is reimbursed for officer time, mileage, independent camera calibration checks, and costs associated with administering the program (e.g., office supplies, postage).

b. Contract Between the Governmental Agency and the Manufacturer/Supplier of the Automated Traffic Enforcement Equipment. Area and Division commanders shall ensure the contract between the governmental agency and manufacturer/supplier of the automated traffic enforcement equipment contains language that:

(1) Informs the manufacturer/supplier of the automated traffic enforcement equipment of periodic site visits to ensure compliance with the laws and contract terms.

(2) Establishes a flat fee agreement.

(3) Ensures **ALL** photographs are provided to the CHP program coordinator(s) for violation review. The manufacturer/supplier shall not be allowed to prescreen the photographs for violations.

(4) Makes the misuse of photographs a breach of contract.

(5) Establishes business rules/controls detailing procedures the manufacturer/supplier must follow relating to proper handling, retention, and destruction of confidential information. These procedures shall be in accordance with Section 21455.5 CVC.

(6) Establishes the right to perform periodic unannounced inspections of red-light cameras to ensure they are working properly, and the manufacturer/supplier has not made unauthorized modifications to the system. Internal local forms developed for performing these site checks should include, but are not limited to, the items shown in the sample provided in Annex B of this GO.

(7) Inspections.

(a) Digital camera systems shall be maintained on a weekly basis. Images should be retrieved on a daily basis.

NOTE: Maintenance should include checking the internal operations of the computer and components, as well as retrieval of the digital images.

(8) Establishes responsibilities of the governmental agency, manufacturer/supplier of the automated traffic enforcement equipment, and CHP program coordinators.

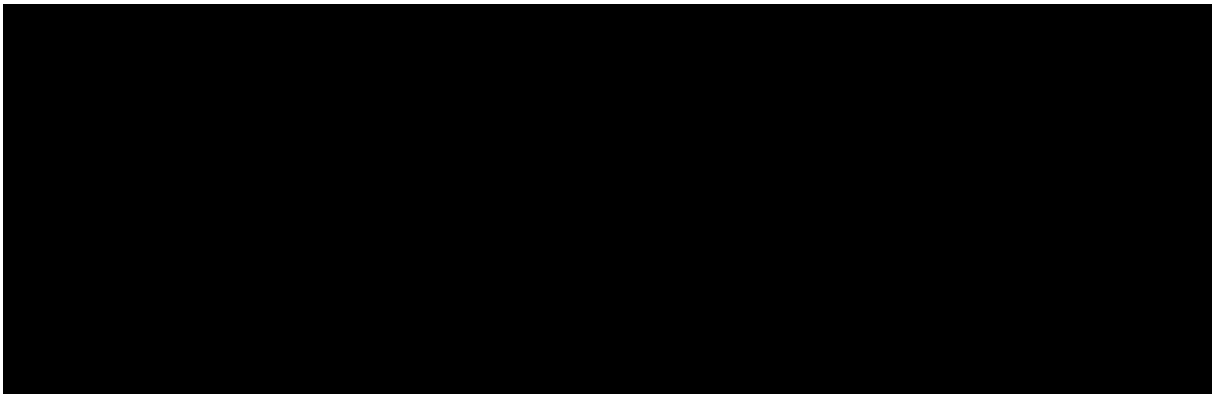
10. PROGRAM GUIDELINES/PROCEDURES. The following guidelines shall be followed by the CHP Area when establishing procedures to be utilized once an automated photo red-light enforcement program has been implemented:

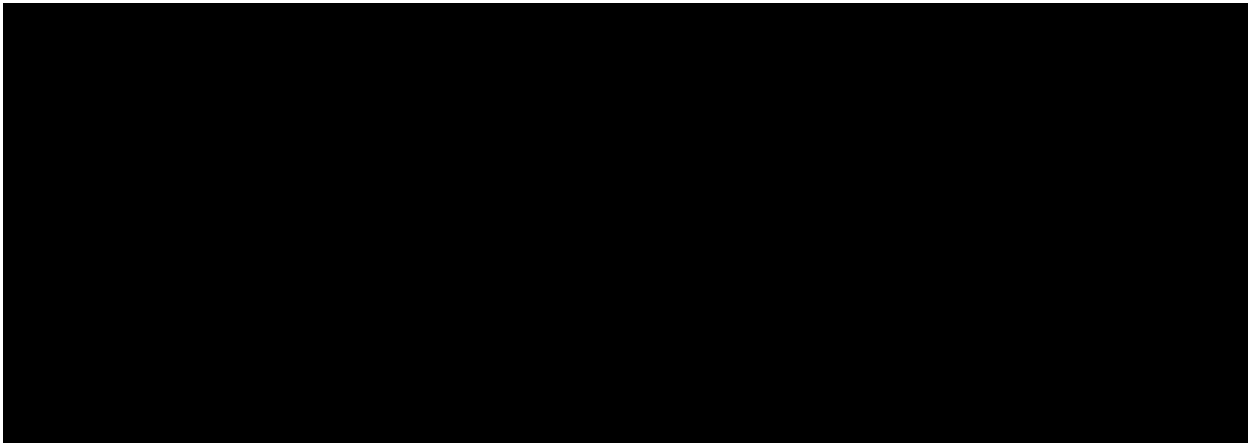
a. Warning Period. A warning period is required by law (Section 21455.5 CVC) prior to implementing an automated photo red-light enforcement program. During this period, warning letters, as well as a copy of an unsigned (voided) citation, shall be sent to the violator stating that it is not a citation, but it would be if it occurred after the 30-day period is over. Refer to Annex C for a sample of this letter.

b. Violation Criteria. Prior to implementing an automated photo red-light enforcement program, Area and Division commanders shall ensure violation criteria are established specific to the photo system to be used in the program. The following guidelines should be included in the criteria when determining if a violation has occurred:

(1) Review of Photographs. All photographs shall be forwarded to the CHP Area program coordinators. All data elements of each automated red-light photograph must be reviewed by a CHP program coordinator to ensure it contains sufficient evidence to support a violation, such as:

- (a) Date and time of the photograph are visible.
- (b) The face of the driver is visible.
- (c) The front license plate is visible.
- (d) The vehicle was traveling faster than the predetermined threshold speed.
- (e) The vehicle was traveling in the same direction as the normal flow of traffic.





(6) The manufacturer/supplier may be allowed to prescreen for specific nonviolations as described in the business rules between it and the governmental agency. The images of these events shall still be forwarded to the CHP program coordinator for review.

c. Reporting Procedures.

(1) Commanders shall obtain a special project code to track the activity and time spent on automated photo red-light enforcement programs (obtained from ACF).

(2) Commanders shall ensure officers utilize this code to document their time and activity in the Activity Tracking System.

(3) Commanders shall ensure every issued automated citation (coded with the special project code and the appropriate beat code) are entered into the Department's Statewide Automated Citation System.

d. Automated Notice to Appear Form.

(1) Since the operational equipment provided by the manufacturer/supplier (i.e., type of digital media, computer applications) may differ, Area commanders shall provide a copy of the automated citation to Research and Planning Section (061) who will ensure compliance with the Judicial Council of California.

(2) Area commanders shall ensure all procedures for the issuance, amendment, and dismissal of automated citations are in compliance with Highway Patrol Manual (HPM) 100.9, Enforcement Documents Manual.

(3) When mailed to the registered owner, the notice to appear shall contain or be accompanied by:

(a) Nonliability instructions for the registered owner if they were not the driver at the time of the violation (refer to Annex D).

(b) Information regarding the violator's options for paying the bail amount, attending traffic school, and contesting the notice to appear.

(4) If a notice to appear is sent to a car rental or leasing company as the registered owner of the vehicle, the company may follow the nonliability instructions if the violation occurred when the vehicle was either rented or leased and operated by a person other than an employee of the rental or leasing company.

(a) If the nonliability information is returned by the registered owner within 30 days of the mailing of the notice to appear, along with the proof of a written rental agreement or lease between a bona fide renting or leasing company and its customer, the notice to appear to the registered owner shall be cancelled.

NOTE: Nonliability information required includes the name, address, and driver license number of the person driving the vehicle at the time of violation.

(b) A notice to appear can then be issued to the driver of the vehicle identified in the nonliability information.

(5) All notices to appear shall be retained in compliance with HPM 100.9.

e. Internal Standard Operating Procedures. Since each program (e.g., manufacturer/supplier, technology) may be different, Areas shall develop an internal SOP which includes, but is not limited to:

(1) Preparing the automated notice to appear after receiving the photographs from the manufacturer/supplier via a secure Internet program.

(2) Mailing the notice to appear to the violator via registered mail within 15 days of receiving the photographs. A copy is to be sent to the appropriate court for prosecution.

(3) Amending a notice to appear from the registered owner and reissuing it to the identified driver of the vehicle, once the information provided by the registered owner is verified.

(4) Weekly site inspections to ensure no unapproved system changes have occurred, and the required signage is still in place.

- (5) Scheduled independent calibration checks on cameras.
- (6) Reporting procedures for the automated notice to appear and CHP 415 (refer to paragraph 10.c.).
- (7) Development of needed local forms.
- (8) Retention schedules and filing procedures for forms.

OFFICE OF THE COMMISSIONER

ANNEXES A, B, C, D

OPI: 061

THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX A

RED LIGHT STATUTE AUTHORITY

The following California Vehicle Code sections regulate photo red-light enforcement programs.

210. An “automated enforcement system” is any system operated by a governmental agency, in cooperation with a law enforcement agency, that photographically records a driver’s responses to a rail or rail transit signal or crossing gate, or both, or to an official traffic control signal described in Section 21450, and is designed to obtain a clear photograph of a vehicle’s license plate and the driver of the vehicle.

21455.5(a). The limit line, the intersection, or a place designated in Section 21455, where a driver is required to stop, may be equipped with an automated traffic enforcement system if the governmental agency utilizing the system meets all of the following requirements:

(1) Identifies the system by signs posted within 200 feet of an intersection where a system is operating that clearly indicate the system’s presence and are visible to traffic approaching from all directions in which the automated traffic enforcement system is being utilized to issue citations...

(2) Locates the system at an intersection and ensures that the system meets the criteria specified in Section 21455.7.

(b) Prior to issuing citations under this section, a local jurisdiction utilizing an automated traffic enforcement system shall commence a program to issue only warning notices for 30 days. The local jurisdiction shall also make a public announcement of the automated traffic enforcement system at least 30 days prior to the commencement of the enforcement program.

(c) Only a governmental agency, in cooperation with a law enforcement agency, may operate an automated traffic enforcement system. A governmental agency that operates an automated traffic enforcement system shall do all of the following:

(1) Develop uniform guidelines for screening and issuing violations and for the processing and storage of confidential information, and establish procedures to ensure compliance with those guidelines...

ANNEX A

RED LIGHT STATUTE AUTHORITY (*continued*)

(2) Perform administrative functions and day-to-day functions, including, but not limited to, all of the following:

(A) Establishing guidelines for the selection of a location. Prior to installing an automated traffic enforcement system after January 1, 2013, the governmental agency shall make and adopt a finding of fact establishing that the system is needed at a specific location for reasons related to safety.

(B) Ensuring that the equipment is regularly inspected.

(C) Certifying that the equipment is properly installed, calibrated, and is operating properly.

(D) Regularly inspecting and maintaining warning signs placed under paragraph (1) of subdivision (a).

(E) Overseeing the establishment or change of signal phases and the timing thereof.

(F) Maintaining controls necessary to ensure that only those citations that have been reviewed and approved by law enforcement are delivered to violators.

(d) The activities listed in subdivision (c) that relate to the operation of the system may be contracted out by the governmental agency, if it maintains overall control and supervision of the system. However, the activities listed in paragraph (1) of, and subparagraphs (A), (D), (E), and (F) of paragraph (2) of, subdivision (c) shall not be contracted out to the manufacturer or supplier of the automated traffic enforcement system.

(e) The printed representation of computer-generated information, video, or photographic images stored by an automated traffic enforcement system does not constitute an out-of-court hearsay statement by a declarant under Division 10 (commencing with Section 1200) of the Evidence Code.

(f)(1) Notwithstanding Section 6253 of the Government Code, or any other law, photographic records made by an automated traffic enforcement system shall be confidential, and shall be made available only to governmental agencies and law enforcement agencies and only for the purposes of this article.

ANNEX A

RED LIGHT STATUTE AUTHORITY (*continued*)

(2) Confidential information obtained from the Department of Motor Vehicles for the administration or enforcement of this article shall be held confidential, and shall not be used for any other purpose.

(3) Except for court records described in Section 68152 of the Government Code, the confidential records and information described in paragraphs (1) and (2) may be retained for up to six months from the date the information was first obtained, or until final disposition of the citation, whichever date is later, after which time the information shall be destroyed in a manner that will preserve the confidentiality of any person included in the record or information.

(g) Notwithstanding subdivision (f), the registered owner or any individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic evidence of the alleged violation.

(h)(1) A contract between a governmental agency and a manufacturer or supplier of automated traffic enforcement equipment shall not include provision for the payment or compensation to the manufacturer or supplier based on the number of citations generated, or as a percentage of the revenue generated, as a result of the use of the equipment authorized under this section.

(2) Paragraph (1) does not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated traffic enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

(3) A governmental agency that proposes to install or operate an automated traffic enforcement system shall not consider revenue generation, beyond recovering its actual costs of operating the system, as a factor when considering whether or not to install or operate a system within its local jurisdiction.

21455.6(a). A city council or county board of supervisors shall conduct a public hearing on the proposed use of an automated enforcement system authorized under Section 21455.5 prior to authorizing the city or county to enter into a contract for the use of the system.

ANNEX A

RED LIGHT STATUTE AUTHORITY (*continued*)

(b)(1) The activities listed in subdivision (c) of Section 21455.5 that relate to the operation of an automated enforcement system may be contracted out by the city or county, except that the activities listed in paragraph (1) of, and subparagraphs (A), (D), (E), or (F) of paragraph (2) of, subdivision (c) of Section 21455.5 may not be contracted out to the manufacturer or supplier of the automated enforcement system.

(2) Paragraph (1) does not apply to a contract that was entered into by a city or county and a manufacturer or supplier of automated enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

(c) The authorization in Section 21455.5 to use automated enforcement systems does not authorize the use of photo radar for speed enforcement purposes by any jurisdiction.

21455.7(a). At an intersection at which there is an automated enforcement system in operation, the minimum yellow light change interval shall be established in accordance with the California Manual on Uniform Traffic Control Devices.

(b) For the purposes of subdivision (a), the minimum yellow light change intervals relating to designated approach speeds provided in the California Manual on Uniform Traffic Control Devices are mandatory minimum yellow light intervals.

(c) A yellow light change interval may exceed the minimum interval established pursuant to subdivision (a).

40518(a). Whenever a written notice to appear has been issued by a peace officer or by a qualified employee of a law enforcement agency on a form approved by the Judicial Council for an alleged violation of Section 22451, or, based on an alleged violation of Section 21453, 21455, or 22101 recorded by an automated traffic enforcement system pursuant to Section 21455.5 or 22451, and delivered by mail within 15 days of the alleged violation to the current address of the registered owner of the vehicle on file with the department, with a certificate of mailing obtained as evidence of service, an exact and legible duplicate copy of the notice when filed with the magistrate shall constitute a complaint to which the defendant may enter a plea. Preparation and delivery of a notice to appear pursuant to this section is not an arrest.

ANNEX A

RED LIGHT STATUTE AUTHORITY (*continued*)

(b)(1) A notice to appear shall contain the name and address of the person, the license plate number of the person's vehicle, the violation charged, including a description of the offense, and the time and place when, and where, the person may appear in court or before a person authorized to receive a deposit of bail. The time specified shall be at least 10 days after the notice to appear is delivered. If, after the notice to appear has been issued, the citing peace officer or qualified employee of a law enforcement agency determines that, in the interest of justice, the citation or notice should be dismissed, the citing agency may recommend, in writing, to the magistrate or judge that the case be dismissed. The recommendation shall cite the reasons for the dismissal and be filed with the court. If the magistrate or judge makes a finding that there are grounds for dismissal, the finding shall be entered on the record and the infraction dismissed.

(2) A notice to appear shall also contain all of the following information:

(A) The methods by which the registered owner of the vehicle or the alleged violator may view and discuss with the issuing agency, both by telephone and in person, the evidence used to substantiate the violation.

(B) The contact information of the issuing agency.

(c)(1) This section and Section 40520 do not preclude the issuing agency or the manufacturer or supplier of the automated traffic enforcement system from mailing a notice of nonliability to the registered owner of the vehicle or the alleged violator prior to issuing a notice to appear...

40520(a). A notice to appear issued pursuant to Section 40518 for an alleged violation recorded by an automatic enforcement system shall contain, or be accompanied by, an affidavit of nonliability and information as to what constitutes nonliability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the issuing agency.

(b)(1) If a notice to appear is sent to a car rental or leasing company, as the registered owner of the vehicle, the company may return the notice of nonliability pursuant to paragraph (2), if the violation occurred when the vehicle was either leased or rented and operated by a person other than an employee of the rental or leasing company.

ANNEX A

RED LIGHT STATUTE AUTHORITY (*continued*)

(2) If the affidavit of nonliability is returned to the issuing agency by the registered owner within 30 days of the mailing of the notice to appear together with the proof of a written rental agreement or lease between a bona fide renting or leasing company and its customer and that agreement identifies the renter or lessee and provides the driver's license number, name, and address of the renter or lessee, the agency shall cancel the notice for the registered owner to appear and shall, instead, issue a notice to appear to the renter or lessee identified in the affidavit of nonliability.

(c) Nothing in this section precludes an issuing agency from establishing a procedure whereby registered owners, other than bona fide renting and leasing companies, may execute an affidavit of nonliability if the registered owner identifies the person who was the driver of the vehicle at the time of the alleged violation and whereby the issuing agency issues a notice to appear to that person.

ANNEX B

SAMPLE SITE CHECK FORM

Sacramento Metropolitan Photo Enforcement Program

RLC SITE VERIFICATIONS

DATE: _____

TIME: _____

LOCATION:

1. Signs in compliance with SB1303 and free of obstructions on approaches?

Yes:

No:

2. LED signal lights properly illuminated?

Yes:

No:

3. Signal lights working properly?

Yes:

No:

4. Detection loops in good condition?

Yes:

No:

Comments:

OFFICER: _____

BADGE: _____

THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX C

SAMPLE WARNING LETTER (Warning Period)

State of California – Transportation Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Local County
Red Light Photo Enforcement
123 City Street
City, State, Zip
Telephone Number
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



Date

File No.:

John Doe
Address
City, State Zip

Re: Traffic Violation Warning Notice

Dear Mr. Doe:

In an effort to improve traffic safety and community livability, the California Highway Patrol, in cooperation with the County of (County Name), has implemented a red light camera photo enforcement program in order to monitor and enforce red light violations at our county's intersections. The system combines a camera, computer, and violation detection system to record the violation. Superimposed on each set of violation photographs is the date, time, length of preceding amber cycle, and elapsed time into the red cycle when the violation occurred, along with the location of the violation.

On (Date) at (Time) hours, a vehicle with license plate (License Plate No.), which is registered in your name, was photographed failing to stop for a red light on (Street Names at Intersection).

This letter is only a warning notice; you are not required to respond. Please note that after (Date Warning Period Terminates), we will be issuing a Notice to Appear (traffic citation) to any persons photographed committing a red light offense. We encourage you to discuss this letter with anyone who drives your vehicle; your safety is our primary concern.

If you have any questions, you may contact a Red-Light Photo Enforcement Program representative at (Phone Number).

Sincerely,

Captain
Commander



Safety, Service, and Security

An Internationally Accredited Agency

THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX D

AUTOMATED TRAFFIC ENFORCEMENT CITATION

SACRAMENTO METROPOLITAN RED LIGHT
PHOTO ENFORCEMENT PROGRAM
C/O TRAFFIC ENFORCEMENT OFFICE

Notice of Traffic Violation

Name:
Address: Line 1
Line2
Line3
Line4

Detach here

Detach here

IF YOU WERE NOT THE DRIVER. Please fill out the reverse side of this form and mail to the address below:

SACRAMENTO METROPOLITAN RED LIGHT
PHOTO ENFORCEMENT PROGRAM
C/O TRAFFIC ENFORCEMENT OFFICE

ANNEX D

AUTOMATED TRAFFIC ENFORCEMENT CITATION (continued)

Sacramento Metropolitan Red Light Photo Enforcement Program

INSTRUCTIONS

IF YOU WERE NOT THE DRIVER

- 1. Fill out the Affidavit of Non-Liability to the best of your ability. If the driver is not known, write "UNKNOWN" on the NAME line.
2. Return the Affidavit of Non-Liability to the Sacramento County Sheriff's Department at:
3. Upon receipt, the Sheriff's Department will review your Affidavit then submit a Request for Dismissal to the Court
4. You will be contacted by mail if a Request for Dismissal IS NOT submitted.
5. You may contact the Sheriff's Department office 10 days after you return the Affidavit of Non-Liability to confirm receipt and status.
6. If the Sheriff's Department rejects the Affidavit of Non-Liability, you will need to contact the Carol Miller Justice Center for further directions

DO NOT PAY THE FINE, ARRANGE TRAFFIC SCHOOL OR SET A COURT TRIAL IF YOU ARE NOT THE DRIVER. Follow the above directions or contact the Sacramento Metropolitan Red Light Photo Enforcement office at (916) 876-6643, if you have any questions.

IF YOU ARE THE DRIVER

- 1. You are encouraged to view the video and photos of this violation prior to your court appearance date. You may view your video and photos online at www.public.cite-web.com. If you have difficulty viewing the video or photos contact the Sacramento Metropolitan Red Light Photo Enforcement Program at (916) 876-6643 for assistance.
2. You will also need to contact the Carol Miller Justice Center to resolve your citation on/before <mm/dd/yyyy> and:
a. Pay the fine (contact Carol Miller Justice Center for proper amount), OR
b. Request traffic school, OR
c. Contest the citation and request a court trial date.
d. The court is located at: 301 Bicentennial Circle Sacramento, CA, 95826 ph. (916) 875-7800

You may receive a courtesy notice from the court with similar information. If you do not receive a courtesy notice, you must still appear in court ON OR BEFORE <mm/dd/yyyy>. If you do not respond, the Department of Motor Vehicles may suspend your license, your money penalties may increase, and/or the DMV may refuse to renew your driver's license.

Detach here

Detach here

Sacramento Metropolitan Red Light Photo Enforcement Program

IDENTIFY NEW DRIVER - IF YOU WERE NOT THE DRIVER

Citation #: <Citation #>

Name <Insert Name>:

- CHECK ONE: [] I sold the vehicle prior to the violation date to the person named below.
[] The person named below was the driver of the vehicle.

Print actual Driver/New Owner's Name: _____ Driver's License / ID No: _____

Address: _____ Issued in the State of: _____

City, State, Zip Code _____ Date of Birth: _____

Gender: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

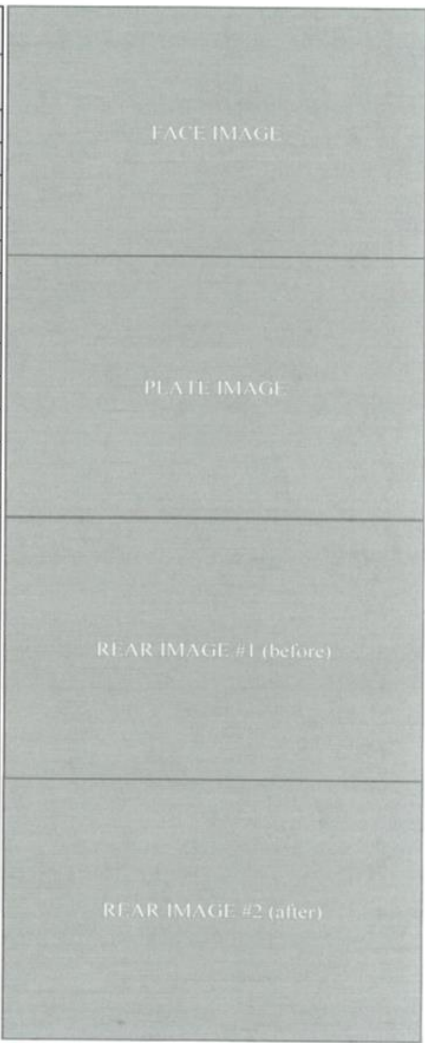
Signature: _____ Print Name: _____

Your Phone Number: () _____ - _____ Date: _____

ANNEX D

AUTOMATED TRAFFIC ENFORCEMENT CITATION (continued)

TRAFFIC NOTICE TO APPEAR Automated Traffic Enforcement System									
SACRAMENTO METROPOLITAN RED LIGHT PHOTO ENFORCEMENT									
NOTICE TO APPEAR Automated Traffic Enforcement <Citation#>									
Date of Violation 1. <mm/dd/yyyy>		Time: <hh:mm>		<input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week: <S M T W T F S>			
Name (First, Middle, Last) 2.									
Address 3. <Insert Address>									
City 4. <Insert City>			State <Insert State>			Zip Code <Insert Zip Code>			
Driver Lic. No 5. <Insert #>		State <Insert State>		Class <Class>		Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No		Age <Insert Age>	Birth Date <DOB>
Sex 6. <Insert Gender>	Hair <Insert Hair>	Eyes <Eyes>	Height <Height>	Weight <Weight>					
Vehicle Lic. No. 7. <Insert License Plate #>			State <Insert State>			<input type="checkbox"/> Commercial Vehicle (Veh. Code 15210(b))			
Yr. of Veh. 8. <Year>	Make <Make>	Model <Model>	Body Style <Style>	Color <Color>	CHP Veh. <CHP Veh.>		<input type="checkbox"/> Hazardous Material (Veh. Code 4353)		
Registered Owner or Lessee 9. <Insert Registered Owner>									
Address 10. <Insert Address>									
City 11. <Insert City>			State <Insert State>			Zip Code <Insert Zip Code>			
Code and Section 12. <Insert CA Code>									
Description <Insert CA Code Description>									
Location of Violation 13. <Insert Location Description>									
City/County of Occurrence <Insert City/County>									
<input checked="" type="checkbox"/> Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.									
14. Date Issued <MM/DD/YYYY>		Declarant <Officer Signature>				ID No. <ID #>			
YOU MUST RESPOND TO THE COURT ON OR BEFORE:									
15. WHEN: DATE _____									
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE									
16. WHERE:									
Carol Miller Justice Center 301 Bicentennial Circle Rm 100 Sacramento, CA 95826 Traffic – (916) 875-7800 www.saccourt.ca.gov/traffic					Clerk's Office Hours Monday - Friday (excluding court holidays) 8:30 AM – 4:00 PM				
Judicial Council of California Form Rev. 06-26-15 (Veh. Code §40518)									
DEFENDANT COPY SEE REVERSE TR-115									
Certificate of Mailing I, _____, of County of _____, do certify that I am over 18 years old and not a party to the above entitled case. On <enter mail date> I placed this Notice to Appear in an envelope addressed to the registered owner, lessee, or identified driver as shown above, sealed it, and deposited the envelope in a United States Postal Service receptacle located at a United States Postal Service office in Los Angeles, California. In the ordinary course of business, the envelope is sealed, affixed with proper postage, and mailed. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.									
Date: <mm/dd/yyyy>					_____ <Signature>				
(Code of Civil Procedures sections 1013a(3) and section 2015.5)									



ANNEX D

AUTOMATED TRAFFIC ENFORCEMENT CITATION (*continued*)

TRAFFIC NOTICE TO APPEAR Automated Traffic Enforcement System

IMPORTANT – READ CAREFULLY

This Citation is Based on Photographic Evidence.

The vehicle identified on the front was photographed in violation of a traffic signal or sign. **You may see the photographs and video.** 2101 Hurley Way, Sacramento, CA 95825, Monday – Friday 8:30 am to 4:00 pm. Picture ID is required.

You may see the photographs and video online at: www.public.cite-web.com

For more information about the evidence in this case, you may contact the issuing agency. Sacramento Metropolitan Red Light Photo Enforcement by telephone at: (916) 876-6643 or in person at: 2101 Hurley Way, Sacramento, CA 95825 during the hours of 8:30 AM – 4:00 PM

WHAT TO DO

You have been issued a citation that charges you with a traffic infraction. You must respond by following one of the procedures below by the date on the front (see "WHEN"). If you do not, you may lose your license to drive, and your money penalties may increase.

1. If you do NOT contest the violation:

a. (*Pay the bail amount*) (See "BAIL INFORMATION" below) Your bail will be forfeited to the court. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count will be charged to your DMV record for this offense and your insurance may be adversely affected.

b. (*Traffic school*) You may be able to avoid the point count and adverse effect on your insurance by attending traffic school. Contact the court to request traffic school. You must pay the bail amount as a fee, and you may have to pay other fees.

2. If you contest the violation (*select one*)

a. (*Court trial*) Send a certified or registered letter postmarked no later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and witnesses will be present. You may be required to submit the bail amount. You will be given a date for your trial. Go online or call the court for information on going to court without paying bail.

—OR—

b. (*Trial by written declaration*) Send a certified or registered letter postmarked no later than five days prior to the appearance date, or come to the court on or before the date on the front and request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider all of the evidence at the same time and decide the case.

WRITING TO THE COURT

If you write to the court, always write the citation number and your driver license number on your letter. Use of certified or registered mail is required. **Do not send your copy of the citation. Keep it for your own records.**

BAIL INFORMATION

The "bail" is the amount you must pay or deposit for the charged violation.

Bail Amount: \$ _____

Visit www.saccourt.ca.gov/traffic/citation_index.aspx for information about the required deposit of money (bail) that you may forfeit instead of appearing in court. You must appear or resolve your citation on or before the appearance date on the front.

Make the check or money order payable to "Sacramento Superior Court"

Write the citation number and your driver license number on your check or money order.

You may deposit the bail at www.saccourt.ca.gov/traffic, by phone (916) 875-7800, in person or by mail to: Carol Miller Justice Center, 301 Bicentennial Circle Sacramento, CA, 95826. Go online or call the court for information on going to court without paying bail.

NIGHT COURT TRIALS: Are NOT available for this citation.

ONLINE INFORMATION

You may obtain additional information at <https://www.saccourt.ca.gov/traffic>

Important!
**You May View Your Video and Photos
online at:**

Citation: <XXXXXXXX>

PIN#: <XXXXXXXX>

**You are strongly encouraged to watch
your video before requesting an
appearance.**