



**Nassau County**  
**Office of Legislative Budget Review**  
Spotlight On:

**Speed Zone Safety Camera**  
**Program**

Maurice Chalmers, Director  
Office of Legislative Budget Review

December 11, 2014



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**Inter-Departmental Memo**

To: Hon. Norma Gonsalves, Presiding Officer  
 Hon. Kevan Abrahams, Minority Leader  
 All Members of the Nassau County Legislature

From: Maurice Chalmers, Director  
 Office of Legislative Budget Review

Date: December 11, 2014

Re: Speed Zone Safety Camera Program Recap

At the Legislature’s request, the Office of Legislative Budget Review (OLBR) has prepared this report on the County’s School Zone Speed Camera Program. This memo will outline the program, its implementation, and operation. OLBR relied upon the Traffic and Parking Violations Agency (TVPA) and the program vendor, American Traffic Solutions (ATS), for the data in this report. From a financial perspective, the program is prolific, generating a total of 400,308 tickets and roughly \$32.0 million in revenue between September 2, 2014 and November 21, 2014. ATS would receive approximately \$7.6 million as its share of the revenue. The program’s impact on public safety, although less tangible than its effect on County revenues, can’t be ignored. The average number of tickets issued per day during the months of September to November has decreased 64.3%. Since the Legislature’s request, a number of program alternatives have been discussed publicly, ranging from a reduced program offered by the Administration to a full repeal proposed by the Legislature.

**Table 1**

	<b>Tickets Issued</b>	<b>Value of Violations</b>	<b>Amount Paid</b>	<b>Amount Due</b>	<b>Late Fees</b>
<b>Total</b>	400,308	32,024,640	18,353,853	14,937,258	1,266,471

### **Local Law and the American Traffic Solutions (ATS) Contract**

Local Law #9-2014 passed by the Legislature on June 16, 2014 established a demonstration program imposing a monetary liability comprised of a \$50 fine and a \$30 administrative fee for a total penalty of \$80. This is imposed on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a school speed zone.

This Local Law authorized the installation of monitoring devices (speed cameras), at 56 school districts throughout Nassau County. The legislation permits only one (1) device to be operational per school district at a time. The monitoring devices will include 36 fixed cameras and 20 mobile cameras to be moved at the Traffic Safety Board's (TSB) discretion. Fines are imposed on the owner of vehicles captured driving in excess of the posted speed limits by ten (**10**) miles per hour within the school zones. Once the violation is recorded, it is reviewed and prepared for distribution.

A notice of liability (NOL) is sent to the registered owner via first class mail from TPVA or any other entity authorized by TPVA within 14 business days if the owner resides in New York State (NYS). However, out of state violations must be sent within 45 business days. In an example obtained by OLBR for a NYS resident, the violation:

- Occurred on 9/9/2014
- The NOL was mailed on 9/22/2014 (or 9 business days)
- The due date was 11/03/2014 (42 days later)

The NOL informs the violator of the time and the date when he/she can contest the notice. Additionally, the notification of liability includes a warning that the failure to contest in the timeframe provided will be deemed an admission of liability and a default judgment will be submitted. Those who fail to respond to the notice in the specified time period will incur an additional penalty of \$25.

### **Operating Parameters**

The New York State Vehicle and Traffic Law (VTL) set forth the powers and limitations of the County's School Zone Speed Camera Program. Specifically, Section 1180 and 1180-C of the VTL are integral to understanding the authority and operation of the program. Section 1180 sets forth basic speed restrictions in the State, while Section 1180-C authorizes the County's program and outlines its operational parameters. For example, Section 1180-C states that the County may enforce subdivisions b, c, d, f, or g of Section 1180. This provision grants the County a measure of flexibility in program implementation and enforcement, as each of these subdivisions address school zone speed limit law. Paragraphs one and two of subdivision c of Section 1180 discuss school zone speed limits directly. Subdivision c states that no person shall drive in excess of maximum posted school speed limits during the following times:

- School days at times indicated on the school zone speed limit sign, provided, however, that such times shall be between the hours of 7:00 AM and 6:00 PM or alternative times within such hours; **or**
- A period when the beacons attached to the school zone speed limit sign are flashing and such sign is equipped with a notice that indicates that the school zone speed limit is in effect when such beacons are flashing, provided, however, that such beacons shall only flash during

student activities at the school and up to thirty minutes immediately before and up to thirty minutes immediately after such student activities.

Section 1180-C outlines a number of other program stipulations, including the following definition for a school speed zone:

- *school speed zone* shall mean a distance not to exceed one thousand three hundred twenty feet (1,320 ft) on a highway passing a school building, entrance or exit of a school abutting on the highway.

Subdivisions b, d, f, and g of Section 1180 reference other State law pertaining to the establishment of school zone speed limits. If the County enforces subdivisions b, d, f, or g, it must adhere to the following conditions:

- On school days during school hours and one hour before and one hour after the school day, and;
- A period during student activities at the school and up to thirty minutes immediately before and up to thirty minutes immediately after such student activities.

In practice, the program has been in operation from 7:00 AM to 6:00 PM.

### **Implementation**

Speed Camera operations commenced in July of 2014 with nine functional cameras. Tickets issued during the initial trial period (July through August) were dismissed by the County Executive. ATS confirmed that they agreed to waive their 38% share of the fines portion during that period. The County dismissed about \$2.4 million as a result of the amnesty.

ATS has a draft 14 point action plan that they believe would have eased implementation. ATS hopes to have an opportunity to implement their action plan. The plan includes items such as driver education and an awareness program in the communities where the devices are deployed. OLBR could not get confirmation from any County agency that any similar outreach took place prior to implementation.

The program's enabling legislation lists speed data, accident history, and road geometry, as three of the criteria for camera placement. Publicly, TVPA has stated that the agency relied upon recent accident data in the site placement process, often referencing the statistic that 14 pedestrians in Nassau have been struck within a quarter-mile of a school zone. OLBR was not able to verify this statistic as it was not provided. However, according to the Department of Public Works (DPW), speed camera location sites were mostly selected based on areas where a high volume of vehicles traveling over the posted speed limits within a school zone were observed, potentially posing the highest risk for accidents. Past accident history was not the determining factor, volume and prevention were. This explains why these selections may not align with locations where pedestrians were hit in the past. The program may have been better received had statistics and studies aligned better with site selection.

### **Analysis of TPVA Revenue & Expense**

TPVA's fines and forfeits FY 2015 budget consists of six revenue sources with aggregate revenue of \$98.7 million (depicted in the chart below). For Speed Cameras alone, the Agency budgeted \$25.2

million in revenue from the fine portion and \$15.1 million for the associated administrative fees with a total allocation of \$40.3 million or 40.8% of the total revenue budget. Excluding the contractual cost, Speed Cameras are budgeted for net revenues of approximately \$30.7 million in FY 2015. Based on the Speed Camera (SC) revenue it is anticipated that roughly 503,000 tickets will be issued. Table 2 below details the FY 14 and FY 15 Adopted Budgets for TPVA’s fine and forfeits revenue budget.

**Table 2**

<b>Fines and Forfeits</b>	<b>2014 Adopted</b>	<b>2015 Adopted</b>
R0603-Fines	\$17,500,000	15,500,000
R0630-Administrative Fee	6,849,174	5,800,000
<b>Fines Subtotal</b>	<b>24,349,174</b>	<b>21,300,000</b>
R0626-Red Light Camera (RLC)	24,490,187	23,214,000
R0629-RLC Administrative Fee	13,606,928	13,928,400
<b>RLC Subtotal</b>	<b>38,097,115</b>	<b>37,142,400</b>
R0631-Speed Camera (SC)	0	25,160,000
R0632-SC Administrative Fee	0	15,096,000
<b>SC Subtotal</b>	<b>0</b>	<b>40,256,000</b>
<b>Grand Total</b>	<b>62,446,289</b>	<b>98,698,400</b>

TPVA’s FY 15 contractual services expenses are budgeted at \$22.0 million, an increase of \$10.6 million from the FY 14 Adopted Budget. A total \$18.4 million of the contractual costs are linked to TPVA’s agreement with ATS for the Red Light Camera and Speed Camera programs. ATS receives 38% of the department’s RLC and Speed Camera revenue (\$23.2 million + \$25.2 million) exclusive of administrative fees.

**Table 3**

<b>Expense</b>	<b>2014</b>	<b>2015</b>
	<b>Adopted Budget</b>	<b>Adopted Budget</b>
Full-Time Headcount	43	47
Part-Time and Seasonal	28	63
Salaries	\$3,019,815	4,318,830
Equipment	8,900	9,100
General Expenses	283,690	231,450
Contractual Services	11,451,521	22,007,370
<b>Total</b>	<b>\$14,763,926</b>	<b>26,566,750</b>

Inclusive of the Speed Camera Program, TPVA has become one of the highest revenue producing departments in the County. Using Tables 2 and 3 above, FY 15 revenues are currently budgeted to be 3.7 times higher than the expenses. If adjusted for fringe benefit expenses, the ratio is reduced to 3.5, meaning the department is able to cover its expenses 3.5 times. Depending on the faith of the program adjustments may be necessary.

**Data Review**

TPVA has provided data that shows the number of violations issued by date, time, school district and the corresponding violation amount for the time period of September 2, 2014 through November 21, 2014. During this timeframe, the program generated 400,308 infractions valued at roughly \$32.0 million. Approximately \$18.4 million of the \$32.0 million has already been paid. However, \$14.9 million remains outstanding, which includes approximately \$1.3 million in late fees. As depicted in Table 4, about 96.3% of violators chose to forgo their right to a hearing.

**Table 4**

<b>Infractions Broken Out by Hearing</b>		
	<b>Total</b>	<b>%</b>
No Hearing Requested	385,361	96.3%
Requested a Hearing	14,947	3.7%
<b>Grand Total</b>	<b>400,308</b>	

The program has a built in buffer that only tickets drivers if they exceed the posted speed limit by 10 miles per hour. As illustrated in the Table 5 below, 239,381 of the 400,308 violations occurred when drivers exceeded the 10 mile buffer by 1 to 5 miles per hour; 115,129 infractions were committed by drivers exceeding the buffer by 6 to 10 miles per hour.

**Table 5**

<b>Speed At which Infractions Occurred</b>		
<b>MPH Over Threshold</b>	<b>Tickets</b>	<b>Percent</b>
1 to 5	239,381	59.8%
6 to 10	115,129	28.8%
11 to 15	37,366	9.3%
16 to 20	6,992	1.7%
21 to 25	1,181	0.3%
26 to 30	207	0.1%
31 to 35	34	0.0%
36 to 40	10	0.0%
41 to 45	7	0.0%
Over 45	1	0.0%
<b>Grand Total</b>	<b>400,308</b>	

In addition, our study reveals that 76.0% of infractions were captured by fixed cameras. This is illustrated in Table 6 below.

**Table 6**

<b>Infractions Broken Out by Camera Type</b>		
	<b>Total</b>	<b>%</b>
Fixed Camera	304,387	76.0%
Mobile Camera	95,921	24.0%
<b>Grand Total</b>	<b>400,308</b>	

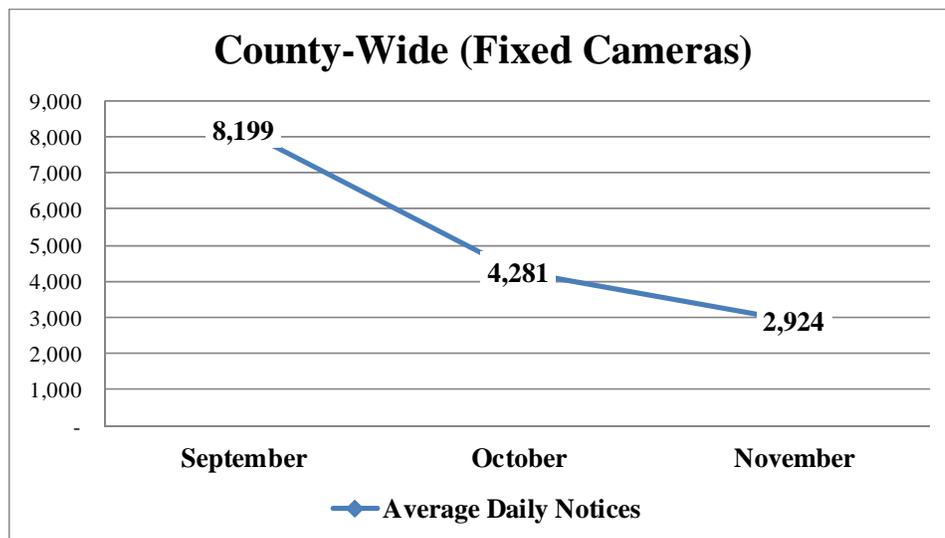
Since implementation, there has been a precipitous decline in the number of violations issued. To illustrate the decrease, Table 7 below shows the average daily infractions by week, from September 2, 2014 to November 21, 2014. This data set includes infractions recorded by both fixed and mobile cameras. The second and third weeks of the program were high volume, but as drivers adapted, the average number of violations per week drastically decreased.

**Table 7**

Average Daily Infractions by Week												
Week Ending												
	Sep-5	Sep-12	Sep-19	Sep-26	Oct-3	Oct-10	Oct-17	Oct-24	Oct-31	Nov-7	Nov-14	Nov-21
Average Daily	6,898	13,918	14,184	6,006	7,746	6,952	6,119	5,002	4,935	4,449	4,693	3,592
Percent Change		101.8%	1.9%	-57.7%	29.0%	-10.2%	-12.0%	-18.2%	-1.4%	-9.8%	5.5%	-23.4%

Data from fixed camera locations suggests that the program changed driver behavior. OLBR found the average number of daily infractions recorded in these locations declined from 8,199 in September to 2,924 in November, or about 64.3%. Chart 1 below depicts this decline.

**Chart 1**



The five school districts with the most violations were Long Beach, Hicksville, Valley Stream #24, Lynbrook and Syosset. Table 8 on the following page lists the number of violations issued by school district in descending order.

**Table 8**

<b>Locations</b>	<b>Violations Issued</b>
Long Beach	39,013
Hicksville	33,520
Valley Stream #24	30,353
Lynbrook	26,335
Syosset	24,853
Franklin Square	23,347
Elmont	21,213
Jericho	16,375
Baldwin	15,159
Hempstead	15,020
East Meadow	14,785
Valley Stream #13	13,006
Sewanhaka	11,355
Plainview/Old Bethpage	10,947
Garden City	9,123
North Merrick	8,941
Westbury	8,110
Levittown	8,010
Uniondale	7,237
Plainedge	6,980
West Hempstead	6,918
Roosevelt	6,673
Massapequa	5,365
North Shore	5,320
Island Trees	4,412
Seaford	4,278
Merrick	4,016
Valley Stream Cental High School	3,655
Herricks	3,340
Farmingdale	2,718
Oceanside	2,162
Mineola	2,157
East Williston	2,107
Malverne	1,477
Island Park	1,462
Great Neck	214
Port Washington	171
Carle Place	94
Valley Stream #30	87
<b>Grand Total</b>	<b>400,308</b>

### **Proposed Alternative Plans**

The County Executive had contemplated reducing the hours of operation of the speed camera program. According to the proposal, the cameras would be operational from 7:00 AM to 9:00 AM (school arrival time) and from 2:00 PM to 4:00 PM (school departure time). Had the reduced hours been in effect initially, there would have been approximately 293,141, or 73.2%, fewer tickets issued. Table 9 depicts the percentage of tickets that have been issued during the different time periods of the day. The “other hours” category captures the impact of the County Executive’s proposed reduction in operating hours.

**Table 9**

<b>Time Period</b>	<b>Total</b>	<b>% of Total</b>
Arrival	43,766	10.9%
Departure	63,401	15.8%
Other Hours	293,141	73.2%
<b>Grand Total</b>	<b>400,308</b>	

The County Executive’s curtailment of the program would have drastically reduced the revenue that could have been generated and would have resulted in a budgetary deficit. OLBR estimates that the County Executive’s alternative plan would generate a net \$11.4 million annually based on the current deployment of 24 fixed and 2 mobile locations. This would translate into an FY 2015 budgetary gap of approximately \$19.3 million. If the remaining cameras were to be implemented, additional revenues of approximately \$6.2 million could be realized.

The reduction in hours could alter the County’s contract with ATS. They provide fixed and mobile camera systems, installation and maintenance of equipment, 1,000 hours of software development per year, and necessary operator training. According to the County’s contract with ATS, the following fee structure applies to fixed or unattended mobile units **operating in school zones at least 8 hours per day and at least 180 school days per year**. The revenue sharing scale is as follows:

- For 1-300 paid notices of liability per day per unit times the number of camera units: 38% of the total of all fines and penalties collected each month.
- For 300 to 500 paid notices of liability per day per unit times the number of camera units: 30% of the total of all fines and penalties collected each month.
- For 501+ paid notices of liability per day per unit times the number of camera units: 25% of all fines and penalties collected each month.

ATS has stated that they would look to adjust their share of revenue if the County reduced the hours of operation.

There is a proposal by the County Legislature to repeal the program in its entirety. If the program is repealed, the County would be responsible for liquidated damages and a termination fee for each dual fixed speed camera. The termination fee is based on a price of \$60,000 per camera, reduced by \$2,500 per month that the camera was in operation. OLBR and OMB agree the termination cost to be roughly \$2.5 million. However, it is ATS’s position that additional cameras have been ordered

and delivered, which could possibly increase the termination cost. OLBR was unable to verify this claim. ATS is also the vendor for the Red Light Camera program and has a working relationship with the County that is valued by both parties. There are ongoing talks between the vendor and the Administration that could also effect the final outcome. Should the repeal be approved by the Legislature, the reduced revenues due to the Executive's action would be eliminated. The combined result would be a net budgetary gap of \$30.7 million.

OLBR would be remiss if the Office did not mention that there is a possibility that ATS may be entitled to contractual liquidated damages in addition to the termination fee. The speed camera program was not established by a stand-alone agreement but rather by amending the existing RLC contract. According to Section 17 (d) of the RLC agreement, ATS can hold the County responsible for liquidated damages if the County cancels the agreement for any reason other than a material breach of contract. The liquidated damages would be equal to any cost incurred by ATS in excess of fees paid to date.

### **Conclusion**

The Speed Zone Camera Program is twofold. It was introduced as a cornerstone of the Administration's plan to fund new labor contracts, some of which commenced in April 2014. The Nassau Interim Finance Authority (NIFA) may not have lifted the wage freeze and approved new labor contracts without this dedicated revenue source, as a property tax increase was not contemplated at that time. From a Public Safety standpoint, data from fixed camera locations suggests that motorists have slowed down in school zones.

The public's faith in the program diminished as questions rose about the program's implementation and operation. Program critics see it as an ineffectual and unnecessary traffic safety enforcement measure.

From a fiscal perspective, to alter or eliminate the program carries financial repercussions. In its review of the FY 2015 budget, OLBR identified opportunities that could offset the reduced or eliminated Speed Camera revenue in 2015. Any of these measures would be a one-time solution; more recurring sources of revenue must be identified. Should the program be repealed, the County will also need to implement measures that ensure the program's public safety aspect continues.