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SB 220

Good afternoon Mr. Chairman and members of the Senate Transportation committee. For the record my name is Erin Breen and I am the Director of the Safe Community Partnership, a public outreach program of the Transportation Research Center in the College of Engineering at UNLV. I am also the Nevada appointee to the National Association of Female Highway Safety Executives.

I am a forty year resident of Las Vegas. My entire driving career has been as a licensed driver of Nevada. I have personally been the driver in two crashes in my lifetime and the witness to another. In all three cases Red Light runners were the cause of the crash. Also for the record: none of the RLR were me. For my crash history to include only red light crashes is not unusual. According to the Insurance Institute for Highway Safety red light running crashes are the fastest rising crashes in urban driving environments.

Today I am here in support of Senate Bill 220. I would like to thank the Senate Judiciary Committee (and specifically Senator Titus) for their willingness to introduce legislation that won't be popular in the press but will save lives. Senate Bill 220 is not asking you to implement a photo enforcement program, it is asking you to lift the ban which precludes using cameras to enforce motor vehicle laws unless they are held or operated by a police officer.

The Safe Community Partnership was developed primarily to lessen the burden of injuries and fatalities caused annually by motor vehicle crashes. I study crashes and crash trends as part of my job. I then provide our coalition with the data and ask them to make decisions on the most critical needs in our community. Red Light Running has been a focus topic for us the past two years. I have provided you with packets of information today that I hope will make our case for lifting the ban on photo enforcement. Most of the material I have provided to you is strictly informational, I won't be covering the material in my testimony today. What I provided you with is but a small sample of the millions of articles, research and opinions available on photo enforcement.

Red Light Running is a problem in every community in Nevada. Because of the way crash data is kept it is difficult to give you specific injury and property damage numbers caused by red light runners, but I can tell you that "Failure to Yield" crashes are the number one injury and property damage causes in Nevada year after year. This figure includes many types of crashes from stop sign and left turn violators to those leaving residential and parking lot driveways. In Nevada in 2000 there were 14,018 crashes attributed to "failure to yield". Those crashes produced 9,362 injuries and 35 fatalities. I can not tell you how many of them were due to red light violators. Because data is reported differently for fatalities I can tell you that 14 of those 35 fatalities were due to red light violators. I do not have injury or property damage numbers for 2001, but I do have the fatal numbers. Twenty-three people lost their lives in Nevada in 2001 because someone's need to get to their destination 180 seconds quicker was more important than stopping for the light. It wasn't their intention to kill someone, they never thought it would happen to them but they also had no perception of being caught running the light.

Nevada is not alone. Red light crashes are the fastest rising urban crashes in the United States, rising at triple the rate of other crashes. Like the rest of the United States, ours is an urban problem. Clark and Washoe Counties were the only counties with Red light fatalities in 2000 with 12 in Clark and 2 in Washoe. In 2001 Douglas County had one fatality, Washoe 3 and Clark 19. No numbers are available for 2002 yet, but I can tell you that in Metro's jurisdiction alone 11 people were killed by red light runners.

On page six of the handout I provided to you there are three pictures of the first two fatalities in Clark County in 2003. A husband and wife were killed by a suspected drunk driver when he ran the red light at Charleston and Washington in the early hours of January 1st. It was not a happy New Year for the Martinez family. Sadly, because no witness can put the driver behind the wheel, charges are still pending. How would the Martinez family feel about photo enforcement?

Red light running crashes are more deadly than others. In overall crashes a fatality happens 30 percent of the time. In red light crashes lives are lost 45 percent of the time. Most often, it is the innocent party who dies. This is because they are traveling at a slower speed and the vehicle that hits them is traveling at a high rate of speed and hits the side of the vehicle, what is

referred to as a "T-bone" crash.

The other losers in red light crashes are pedestrians. Those who cross at the intersection only to be hit by someone running the light. You may not know that pedestrian safety has been a focus area of SCP for seven years. It is the reason that we came to include red light running as a topic that we focus on. When we interview pedestrians who cross outside of crosswalks, 100 to 300 feet from an intersection they most often tell us that they cross outside of the crosswalk on purpose because they feel more in control of their fate. They feel that the space allows them enough room to jump out of the way of the red light runner.

I don't want to give you the impression that I am not pro-law enforcement. I believe that the only way to keep streets safe is by enforcing the rules that govern our roads. I work closely with law enforcement and I applaud their efforts on so many levels. They are the most dedicated group of individuals I have ever had the pleasure of working with. I also know that there is a shortage of law enforcement officers and that the vast majority of traffic officers spend their entire shift responding crash to crash. The result of this is that the average motorist does not fear getting caught. In our city to see 2 to 3 vehicles run every light is not unusual. If you have driven here for any length of time you do not proceed on the green light, you look left, right and left again before proceeding into the intersection. Ask any of your constituents and they will tell you that they fear red light runners. In a survey conducted by the Federal Highway Administration a whopping 96 percent of those questioned reported that they feared being hit by a red light runner. In fine "it will never happen to me" fashion, 55 percent of the same respondents reported that they had run a red light in the past month. The reason given most often was simply "I was in a hurry."

Extensive research has focused on opinions of photo enforcement. In 2001 the IIHS released a study reporting 80 percent of the population in cities with operating cameras supported their use. Cities without photo enforcement programs were only 4 points behind, with 76 percent of the respondents voicing approval for the program. At a meeting last night I was in a room of 20 people waiting to begin when someone asked me about SB220, after discussion erupted about the topic I asked for a show of hands. Only 1 of the 20 people in the room didn't support the program. There was much discussion about "motorist's rights" but the bottom line came down to the

safety factor. The lone dissenter of the group based his opinion on an article he read that reported a rise in crashes at intersections when cameras were introduced.

This group I was with raised and or discussed the same issues that I'm sure you have heard and I would like to address them. Again, I have provided you with expert opinions in the packet. I would urge you to read the opinion of Professor Eugene Volokh of the UCLA School of Law which begins on page 9 of your packet. This piece ran in the Wall Street Journal one year ago. His opinion was written in response to a ticket he received for running a photo enforced intersection. He brings up all the constitutional reasons given by those against camera enforcement. He not only gives the reasons why the arguments are not valid, he points out that the Supreme Court feels the same way and that no case has ever been lost on legal grounds. There have been cases where citations have been dismissed, but they were functional reasons within the system. At the end of the opinion there are questions posed to him. In respect to your time I won't read from this piece or any other, but I urge you to take the time to read them.

The question I hear most often about photo enforcement deals with "Big Brother" watching as I drive down a street, that as a tax payer I have the right to be on. I would like to remind everyone that driving is not a right, it is a privilege. We pay for the privilege, we test for the privilege, we can lose the privilege by not adhering to a set of rules put in place to keep the public safe. Further, "Big Brother" would only be looking if I as the driver make a choice to disobey one of those laws and run a red light.

I am curious why the "Big Brother" issue isn't raised at banks, grocery stores, casinos and other places where they are installed for safety reasons. Why is there a perception that those places are more dangerous than local streets? Were 23 people killed in any of those venues last year? Why is there even discussion about someone making a choice to break a law, possibly maiming someone or taking a life, and being punished for it? I wonder how we have gotten here. I know there is much discussion about how government is just trying to make money from photo enforcement and that people will be ticketed when they are not breaking the law.

In all systems, the persons front bumper must cross over the stop bar after the light has turned red in order to be ticketed. No one caught in the center

when a light turns red would be ticketed. Yellow times are not shortened to make it more difficult to stop in time, and those making a Right on Red are not ticketed. All of these system things would be addressed in a forum asking to implement photo enforced red lights on a local level.

In closing, I would like to address the rights of those who travel on streets and sidewalks in Nevada. They have the right to their perception that they are safe. They have the right to assume that people will obey red lights. They have the right to not have to break a law to stay safe at an intersection. As a state senator you may not see red light running as a public safety issue in your district. I am hear to tell you today that it is a real problem in MY community. A problem that will not see new funding to address it anytime soon, especially with the current budget constraints. To address the red light running problem would require a minimum of eight officers for extended periods of time over months at each affected intersection. It would be a bill that the public cannot afford.

The next best thing is to allow us the opportunity of lobbying our local elected officials to permit the installation of red light cameras, which have proven time after time, year after year to reduce violations an average of 44 percent, and as high as 80 percent. Today I ask you to take the first step to make this possibility a reality. Repeal NRS 484.910 and pass the recommendation on to the senate floor. Then go a step further and support it's passage, read the information I sent you, and take the knowledge to your colleagues and urge their support. We don't have the numbers yet, but we do know that 2002 was the deadliest year on record for the state of Nevada. We know that each injury in Nevada costs tax payers over one million dollars and each fatality close to a million. This is a program that is fiscally responsible and morally correct.

I thank you for your time and attention today, and I am more than willing to answer any questions that you may have.