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IS IT ALL ABOUT PUBLIC SAFETY OR POLITICS?

Dispute with IDOT over ATE use derived from politics, not safety concerns

MUSCATINE, Iowa – One can ascertain from statements made by Steve Gent, director of Iowa Department of Transportation's (IDOT) Office of Traffic and Safety in an article appearing in the January 5, 2018, Muscatine Journal that IDOT's dispute with local municipalities over using Automated Traffic Enforcement (ATE) systems stem not from concerns over safety but rather over money, money going to municipalities in fines and money being paid to the vendors.



“The government’s job is to provide services and solve problems for their citizens in the most cost-effective way possible,” Gent told the Muscatine Journal.

And to Gent, the most cost-effective way is to silence the ATE’s because “a big chunk of that money goes to some out-of-state company.”

But the ATE systems are not a state service but a safety service provided by local municipalities and the only way to solve the problem is to correct the behavior of the driver. Most local officials, therefore, believe IDOT’s actions do more to encourage drivers to break the law than to promote public safety.

In an August 2016 paper entitled “A Point-by-Point Response to “Speed or Greed” Does Automated Traffic Enforcement Improve Safety or Generate Revenue?”, Charles M. Farmer of



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the Insurance Institute for Highway Safety, notes that the idea that ATE programs are unnecessary is based on flawed research and misinterpretation or misrepresentation of data.

“All of the revenue comes from people breaking the law,” Phil Sargent, assistant Muscatine Police Chief, said. “Massively breaking the law.”

Farmer notes that “photo enforcement is intended to improve traffic safety by modifying the driver behaviors that lead to crashes, and it is reasonable to expect that people who break the law should pay for enforcing it.”

So City Administrator Gregg Mandsager would like IDOT to answer just one simple question.

“Why does IDOT believe it is okay to break the law,” Mandsager said, “and to avoid the consequences of breaking the law?”

According to the Muscatine Police Department, 80 percent of those receiving ATE violations recorded by the eight cameras in Muscatine were drivers who are not residents of the City of Muscatine, an average of 11,082 per year from 2013 through 2016. An average of 2,554 residents per year have received ATE violations during that same time period. Over that four year period an average of \$1.3 million has been added to the public safety budget and used for other safety programs, money that will have to be replaced by additional fees or taxes if the ban goes into effect.

Despite first fully supporting the use of ATE systems throughout the state, IDOT changed directions in 2015 and began a systematic quest to eliminate ATE’s at various locations including the one at U.S. 61 and University Drive in Muscatine. Among the reasons stated: (1) crashes have increased or stayed the same since the implementation of the ATE system; (2)



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there is a high number of speed violations; and, (3) the camera is within 1,000 feet of a lower speed limit.

Under the new ATE guidelines established by IDOT, automated enforcement can only be considered in areas with a documented high-crash or high-risk location which includes intersections with a significant history of crashes attributed to red-light running or speeding.

Again note the emphasis on post-event (crashes) instead of pre-event (prevention).



IDOT, thus, is not concerned with the prevention of accidents on primary road systems as much as they are with the use of ATE's on roads under their control (state and federal highways) IDOT does not have the authority to own or operate ATE's per their own guidelines nor do they, allegedly, have any financial interest in such systems. They do have an interest in telling local municipalities

when and where the systems can be used, if at all.

So let's run down the statistics at the U.S. 61 and University Drive intersection to try and understand why the City of Muscatine is fighting to keep the system in place.

The fact that crashes have not significantly increased or have stayed the same since the implementation of the ATE system should be considered a positive. IDOT, however, considers that fact a reason ATE's are not needed as a safety measure which does not take into account that reducing speeding violations does correlate with reducing the number and severity of accidents just as the threat of receiving a citation is a deterrent to speeding.



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IDOT also cites a high number of speeding violations at the intersection as a reason to discontinue using the system. The primary reason that the ATE system was deployed at this intersection was for the high number of speeding violations.

“Pure and simple it had nothing to do with the number of accidents,” Sargent said. “It had everything to do with the excessive speeds of vehicles coming into the business district. And that is why we focused on the westbound approach to the city.”

The ATE system was successful in reducing speeding at the intersection, at least until the citation system was turned off earlier this year. The number of speed citations at this location fell from 8,992 in 2012 to 5,999 in 2016. That downward trend was forecast to continue in 2017 with 1,133 speeding violations recorded January through April. If the camera remained active, speeding violations would have been below 4,000 since the first studies were commenced in 2009.

Photo enforcement at this intersection, as it is at all intersections in Muscatine that utilize the ATE system, are well publicized. ATE systems are not a “speed trap”, are not activated until specific criteria is met (i.e., speeding 11 mph or more over posted limit), and designed to tell the difference between legal maneuvers and illegal ones. Farmer also notes that they also reduce the potential for impermissible profiling or discriminatory enforcement.

Unfortunately, with the highly publicized deterrent disabled (the citation function of the camera) , the number of speeding violations tripled with 18,578 caught by the data gathering camera in the seven month period from May to November 2017. And that is just drivers who were recorded driving from 11 to 49 mph over the legal speed limit. The top speed recorded was 94 mph and that is an accident waiting to happen.



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As was noted earlier, IDOT was fully behind the development, design, and implementation of the ATE systems up until 2015. That went along with a July 2013 study by the Center for Transportation Research and Education at Iowa State University entitled “Improving Traffic Safety Culture in Iowa – Phase II.” That study was funded by the Iowa Department of Transportation and found that 55 percent of the

respondents supported ATE use on major highways, 56.4 percent on city streets, and 70.8 percent said drivers who drive through red lights should be ticketed. A majority of 83.9 percent said that drivers would be more careful if they knew that speed/red light cameras were in place and 66.2 percent said excessive speeding is a serious threat to public safety.

For some unknown reason, IDOT officials decided to rewrite their guidelines to restrict or eliminate future ATE development and to restrict or eliminate current ATE deployment. Part of that rewrite was increasing the distance between a “change in speed” sign to the stop light to 1,000 feet. IDOT had planned and placed the signs for the University Drive approach but now say that it is not their responsibility to move the signs, nor will they give Muscatine permission to move the signs, and the best solution would be to follow the rule and deactivate and remove the camera systems at Muscatine’s expense.

The object of photo enforcement is to deter violations not to catch violators. The cameras are in plain view and well-publicized. The images are reviewed by a trained police officer to verify the information and the violation with a ticket only issued if there is a clear violation.



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“Speeding and red light running increase the risk to all road users,” Farmer writes, “motorists, motorcyclists, bicyclists, and pedestrians. Enforcing traffic laws makes roads safer. Although automated traffic enforcement is more persistent than traditional police enforcement, it is no more strict in its interpretation of violations.”

Finally there is Gent’s argument that a huge chunk of money is leaving the state. Let’s look at the facts.

The ATE fine for speeding 11-20 mph over the posted speed limit is \$75.00. From that amount GATSO, the system provider, keeps \$27.00 which helps to offset the cost of the equipment installation, maintenance of the equipment, WiFi and electric fees, processing of all events and creation of evidence packages, mailing violations, mailing second notices, creating and maintaining the website for police access and the violation portal, and accept and process payment.

That is not a “big chunk” of money going out-of-state but it does eliminate the costs that would otherwise be Muscatine’s or other municipality’s burden.

The remainder of the revenue, in this case \$48.00, goes to the general fund where it is used to provide additional police and public safety services for Muscatine residents.

“This is a fight to preserve home rule,” Sargent said, “and to maintain the rights of local governments who are responsible to their citizens.”

Disregard the fact that the ATE’s take the place of pulling an officer or more off assignment to station them at the intersection to provide traffic enforcement, disregard the fact that the money generated from the speeding fines is used to fund other public safety programs within the



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community, and disregard that speeding violations tripled at the University Drive approach in the seven months the camera has been disabled.

“To municipalities like Muscatine this is about public safety,” Mandsager said. “The ATE’s act as an extension of local police, provide traffic enforcement while allowing officers to respond to other calls, and act as a deterrent to speeding through high traffic intersections.”

Gent expressed IDOT’s feeling about ATE usage by specifically pointing to “ticket money” instead of public safety.

“Don’t get me wrong,” Gent said in the Journal interview. “There’s a reason someone is yelling. There is a lot of ticket money at stake here.”

Does Gent make it sound like IDOT officials want their piece of the pie even though it is prohibited by their own guidelines?

Nothing in state law prevents IDOT from operating ATE systems, just their own guidelines. Yet those guidelines change as frequently as the winds of political change blow through the department.

As Gent said, there is a lot of ticket money at stake so the question then becomes who gets the money if IDOT eventually takes over the ATE systems or how much smaller the portion to local municipalities becomes.

Local officials are frustrated that IDOT is allowing politics to take center stage over public safety.



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“The numbers speak volumes,” Sargent said, “We have been fortunate that there has not been an increase in accidents, just a big jump in the number of drivers going through the intersection at excessive speeds. At some point, we may run out of luck.”

The City of Muscatine believes so strongly in the use the ATE camera at the University Drive location that they are continuing their appeal of the IDOT ruling.

When Muscatine joined a number of other communities in investigating the deployment of ATE systems, IDOT was very much in favor of the idea, helped plan the site locations and provided support for a number of years. Whether politically motivated or not, IDOT’s support vanished in 2015 when the new guidelines were adopted.

While ruling the University Drive camera be removed, IDOT did approve the continued use of the cameras at the five other locations on primary roads in Muscatine and that begs the question as to why, in just this one location, is ATE usage a problem for IDOT.

“IDOT staff supported this effort, designed the siting plan, and 18,000-plus people are now breaking the law, not by a little but by a lot,” Mandsager said.

The answer to the dispute will probably come down to a hearing before the Iowa Supreme Court. Until then, the debate continues and so does the increase in the number of speeding violations.