

No. AD 51 [REDACTED]

IN THE SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN MATEO

APPELLATE DIVISION

ENDORSED FILED
SAN MATEO COUNTY

JAN 11 2010

PEOPLE OF THE STATE OF
CALIFORNIA

Plaintiff

Clerk of the Superior Court
By Diana Castro
DEPUTY CLERK

vs.

PAUL [REDACTED]

Defendant and Appellant

Appeal from the Superior Court for San Mateo County

Citation No. SM3 [REDACTED]

AD No.: 51 [REDACTED]

**CITY OF SAN MATEO'S BRIEF IN RESPONSE
TO APPELLANT'S OPENING BRIEF**

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7
8

9 IN THE SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN MATEO
11 APPELLATE DIVISION
12

13 PEOPLE OF THE STATE OF CALIFORNIA,)
14 Plaintiff,)
15 vs.)
16 PAUL E [REDACTED])
17 Defendant.)
18

Citation No.: SM33 [REDACTED]
AD No.: 51 [REDACTED]

CITY OF SAN MATEO'S BRIEF IN
RESPONSE TO APPELLANT'S OPENING
BRIEF

19
20 **I. STATEMENT OF FACTS**

21 Defendant PAUL E [REDACTED] was issued a citation by the San Mateo Police Department
22 ("SMPD") for violating California Vehicle Code section 21435(a), failure to stop at a red light,
23 on January 23, 2009 at 2:22 p.m. at the intersection of Hillsdale Blvd and Norfolk Street in San
24 Mateo. The citation was issued on January 28, 2009, through the use of a red light camera
25 automated enforcement system. Defendant requested a court trial on this matter which took
26 place on July 15, 2009. At that trial, defendant argued that his citation should be dismissed due
27 to the compensation structure of the City of San Mateo's ("City") contract with Redflex Traffic
28 Systems ("Redflex"), the contractor which assists the City with the red light enforcement system.

1 Also, defendant argued that his citation should be dismissed because the “Redflex system” at the
2 subject intersection was not calibrated properly or operating properly at the time of his citation
3 and because the yellow light interval at the subject intersection is not long enough. Defendant,
4 however, does not argue that he did not violate Vehicle Code section 21435(a) as charged.

5 After considering defendant’s arguments and all of the evidence presented,
6 Commissioner Susan Greenberg, of the San Mateo County Traffic Court (“Traffic Court”),
7 convicted defendant of a violation of California Vehicle Code section 21453(a). Defendant filed
8 this appeal in response, requesting that the Appellate Division reverse the Traffic Court’s
9 decision. The City respectfully submits this brief as an assertion of its position.

10 **II. ARGUMENT**

11 The standard of review for the Appellate Division under these circumstances, in which
12 there are mixed questions of law and fact, is that the questions of fact are reviewed by giving
13 deference to the trial court’s decision, and the questions of law are reviewed independently. The
14 standards of review for the application of the law to the facts will depend on whether such an
15 application requires an inquiry that is “essentially factual.” If so, the rule of “substantial
16 evidence” or deferential review applies. If not, the rule of an independent or “de novo” review
17 applies. *Ghirardo v. Antonioli*, (1994) 8 Cal. 4th 791, 800-801.

18 California courts have found that the “substantial evidence” standard is met when the
19 record of the lower court as a whole demonstrates substantial evidence in support of the appealed
20 judgment or order. *Bowers v. Bernards*, (1984) 150 Cal. App. 3d 870, 872-873. So long as there
21 is substantial evidence, the appellate court must affirm even if the reviewing justices personally
22 would have ruled differently had they presided over the proceedings below and even if other
23 substantial evidence would have supported a different result. *Id.* at 874.

24 On the other hand, matters presenting pure questions of law, not involving disputed facts,
25 are subject to the appellate court’s “de novo” review. In these circumstances, the appellate court
26 gives no deference to the trial court’s ruling or the reasons for its ruling but instead decides the
27 matter anew. *Ghirardo v. Antonioli*, (1994) 8 Cal. 4th 791, 799.

1 The most fundamental rule of appellate review is that an appealed judgment or order is
2 presumed to be correct. *Denham v. Superior Court*, (1970) 2 Cal. 3rd 557, 564. Further,
3 appellant has the burden of overcoming the presumption of correctness and, for this purpose,
4 must provide an adequate appellate record demonstrating alleged error. Here,
5 appellant/defendant, PAUL B [REDACTED], has failed to provide any allegations or evidence of error
6 by the Traffic Court in his Opening Brief.

7 Failure to provide an adequate record on an issue requires that the issue be resolved
8 against appellant. *Maria P. v. Riles*, (1987) 43 Cal. 3rd 1281, 1295. This rule is the same on a de
9 novo review as well as a substantial evidence review. Although the Traffic Court's decision
10 should be reviewed independently for the questions of law, the scope of review is limited to
11 those issues that have been adequately raised and supported in appellant's brief. *Reyes v. Kosha*,
12 (1998) 65 Cal. App. 4th 451, 466. Because defendant has failed to provide an adequate record
13 demonstrating any alleged error by the Traffic Court, the Appellate Division should deny his
14 appeal on this basis alone and uphold the Traffic Court's ruling on the matter.

15 **A. The City of San Mateo Operates Its Red Light Automated Enforcement**
16 **System in Compliance with Vehicle Code §21455.5(g).**

17 Defendant seeks dismissal of his citation on the basis that the City is not operating the
18 Red Light Automated Enforcement System ("System") in compliance with California Vehicle
19 Code §21455.5(g). Defendant argues that the City's previous compensation agreement with
20 Redflex, in effect at the time of his citation, is in violation of §21455.5(g)(1) and that his citation
21 must be dismissed as a result.

22 Defendant's argument is incorrect in fact and law. The City's compensation structure
23 with Redflex does not, and has never, violated §21455.5(g)(1). Moreover, assuming *arguendo*
24 that the City's compensation agreement was in violation of this section, such failure does not
25 render the evidence of the violation inadmissible and the Appellate Division should uphold the
26 Traffic Court's decision finding that defendant violated Vehicle Code section 21453(a).

27 ///

28 ///

1 **1. The City is Currently, and Has Always Been, in Compliance With the**
2 **Requirements Set Forth in §21455.5(g).**

3 California Vehicle Code §21455.5(g)(1) provides that a “governmental agency and a
4 manufacturer or supplier of automated enforcement equipment may not include provision for the
5 payment or compensation to the manufacturer or supplier based on the number of citations
6 generated, or as a percentage of the revenue generated, as a result of the use of the equipment
7 authorized under this section.”

8 At the time of defendant’s citation, the City compensated Redflex monthly by paying a
9 flat fee of \$6,030 for each approach at which there was a red light enforcement camera, as
10 outlined in Exhibit D of the agreement. (A copy of the City’s previous agreement with Redflex
11 is attached to ¶3 of the Declaration of Matthew Pangalos, Director of Red Light Camera
12 Operations for the SMPD, attached hereto as **Exhibit 1**). Section 6.5 of the contract includes a
13 clause which states that “...if the total compensation paid to Redflex pursuant to this agreement
14 exceeds that portion of Fines received by [the City] for Citations issued during the same twelve
15 month period, then Redflex agrees to absorb, eliminate, or reimburse [the City] for the excess
16 expense thereby covering the cost for system operation so that the [the City] achieves cost
17 neutrality in accordance with the representation that the system(s) shall pay for themselves.”

18 Defendant appears to argue that this clause defeats the “purpose of the statute ...to avoid
19 an incentive to the camera operator, as a neutral evaluator of evidence, to increase the number of
20 citation issued...” and is thus a violation of Section 21455.5(g). (See Defendant’s Brief, Section
21 1, second paragraph). However, if that were the case, the legislature would have specifically
22 prohibited these types of clauses in these agreements, which they did not. Instead, they chose
23 only to prohibit compensation based on number of citations or percentage of revenue. Because
24 the City has never compensated Redflex based on the number of citations issued or the
25 percentage of revenue generated, it is in compliance with §21455.5(g). Further, Redflex does not
26 evaluate the evidence or determine which citations will be issued. The SMPD reviews each
27 possible violation and determines which will be issued citations.

1 In addition, in November 2009, the City entered into a new contract with Redflex which
2 does not include this language and contains a compensation structure based solely on a flat
3 monthly fee. (A copy of the City's current agreement with Redflex is attached to ¶4 of the
4 Declaration of Matthew Pangalos, attached hereto as **Exhibit 1**).

5 Further, even if the Section 6.5 in the City's previous contract with Redflex failed to
6 comply with Section 21455.5(g), the contract contained a severability clause which would
7 protect the validity of the remainder of the contract. Section 15.7 of the agreement between the
8 City and Redflex states that if "any provision of this Agreement is held by any court or other
9 competent authority to be void or unenforceable in whole or part, this Agreement shall continue
10 to be valid as to the other provisions thereof and the remainder of the affected provisions."
11 Accordingly, if the Appellate Division finds that the City's previous compensation of Redflex
12 was in violation of §21455.5(g), the remainder of the contract remains valid. As such, issuance
13 of the citation would remain legally compliant and was properly considered by the Traffic Court
14 in finding defendant guilty. The City, therefore, respectfully requests that the Appellate Division
15 uphold the Traffic Court's ruling that defendant violated Vehicle Code section 21453(a).

16 **B. The City of San Mateo's Red Light Enforcement Cameras Were Calibrated**
17 **and Operating Properly At The Time Defendant Received His Citation.**

18 Defendant states in his brief that the automated enforcement system is "sending out
19 erroneous information" and therefore, it is not calibrated properly. Defendant provides no
20 support for his position except for his personal calculations and analysis of the video and
21 photographs documenting his violation of Vehicle Code section 21453(a).

22 The citation process for violations captured via the red light enforcement cameras
23 involves the City's contractor, Redflex. The City has contracted with Redflex to provide for the
24 installation, maintenance, servicing, image collection and Notice to Appear processing for the
25 Red Light Photo Enforcement Program under the supervision and direction of the SMPD (*See*
26 *Pangalos Declaration ¶5*). SMPD chooses the intersections which the System will be installed
27 (*See Pangalos Declaration ¶6*). Cameras are physically inspected and tested on a regular basis
28

1 per the manufacturer's specifications. All inspections are logged and filed and any problems are
2 recorded and remedied immediately (*See* Pangalos Declaration ¶7).

3 Each red light enforcement camera has a digital signature which is affixed to the
4 information prior to being sent to Redflex. The violation information is immediately encrypted
5 during transmission and sent via a VPN (Virtual Private Network) connection to Redflex (*See*
6 Pangalos Declaration ¶8). Redflex technicians remotely maintain and service each camera unit
7 daily. If the photos are clear and resolute, they are transmitted to the SMPD database where they
8 are reviewed by staff acting as the Red Light Enforcement Coordinators ("Coordinators") (*See*
9 Pangalos Declaration ¶9). By reviewing the images, the SMPD can identify and reject
10 photographs that are not adequate and determine if there is reasonable cause to believe a
11 violation has occurred. If adequate, the SMPD electronically signs and issues the citation. The
12 citations are then returned to Redflex for mailing. At this time, Redflex prints the violation
13 information, including the photographs, and sends them to the violating party (*See* Pangalos
14 Declaration ¶10).

15 As defendant states in his brief, Vehicle Code section 21455.5(c)(2)(C), states that only a
16 governmental agency may operate automated red light camera enforcement systems. Further, the
17 statute goes on to define "operate" as, among other things, certifying that the red light camera
18 equipment is properly installed and calibrated, and is operating properly. As certified in ¶11 of
19 the Pangalos Declaration, the red light cameras at the intersection of Hillsdale Boulevard and
20 Norfolk Street were physically inspected and certified by Redflex on January 5 and 29, 2009. As
21 per usual practice, these reports were provided to the SMPD and maintained as proof of
22 compliance. These reports have been attached to ¶11 of the Declaration of Matthew Pangalos.

23 Further, there are no reports from Redflex, or any other source, that these cameras were
24 not calibrated or operating properly on January 23, 2009, the day defendant failed to stop at the
25 red light located at this intersection (*See* Pangalos Declaration ¶12). Because the City is in
26 compliance with Vehicle Code section 21455.5(c)(2)(C) by certifying that the cameras were
27 operating properly during the time defendant received his citation and because defendant
28

1 provides no reliable evidence to the contrary, the Appellate Division should uphold the Traffic
2 Court's decision finding defendant guilty of violating Vehicle Code section 21453(a).

3 **C. The City of San Mateo Has Always Been In Compliance With State**
4 **Standards Setting Minimum Yellow Light Intervals At The Intersection Of**
5 **Hillsdale Boulevard and Norfolk Street.**

6 Defendant's primary argument here is that he believes that the City should set its yellow
7 light intervals longer than that which is required by the State. The California Department of
8 Transportation has adopted the California Manual on Uniform Traffic Control Devices
9 ("MUTCD"), to prescribe uniform standards for all official traffic control devices in California.
10 MUTCD section 4D-10 and Table 4D-102(CA), set forth the minimum time for traffic signal
11 yellow light change intervals. Section 4D-10 also provides that the time for a yellow light
12 change interval may be increased through field review and appropriate judgment of the local
13 agency. The MUTCD is very clear that increasing the yellow light interval above the minimum
14 prescribed in the same section is an option and in no manner a requirement. (Copies of the
15 relevant portions of the MUTCD are attached to ¶3 of the Declaration of Susanna Chan, City
16 Engineer, attached hereto as **Exhibit 2.**)

17 The City has always met the MUTCD standards for minimum yellow light change
18 intervals for the traffic signals at the subject intersection (*See* Chan Declaration ¶4). Defendant
19 does not dispute this fact. Instead, he states in his Appeal that his personal analysis of the
20 conditions at the subject intersection lead him to believe that a longer yellow light interval is
21 appropriate. This has no legal significance since the City meets the State requirements and is
22 under no obligation to exercise its option to increase the yellow light intervals.

23 Defendant also briefly argues that the City did not meet the State standards because,
24 according to defendant, it takes one tenth of second for the traffic signals at the subject
25 intersection to change from green to yellow, therefore, the yellow light is only visible for 3.5
26 seconds instead of the required 3.6 (For a list of yellow light intervals, at the time of defendant's
27 citation, for all intersections with red light enforcement cameras *See* Chan Declaration ¶5). First,
28 the actual turn-on/turn-off time for the traffic signal lights at the subject intersection is a

1 maximum of 75 milliseconds, according to the manufacturer of the traffic signal (*See* Chan
2 Declaration ¶6). Further, defendant does not provide any factual support for his position or any
3 legal support that, even if true, this condition would violate the MUTCD standards. The
4 standards themselves, which have been included with the Declaration of Susanna Chan, do not
5 provide any guidance regarding the time which is inherently required for the lights to change
6 (*See* Chan Declaration ¶7).

7 Because defendant does not provide any evidence that the City failed to meet the
8 MUTCD standards for yellow light intervals at the intersection in question, the Appellate
9 Division should uphold the Superior Court's decision finding defendant guilty of violating
10 Vehicle Code section 21453(a).

11 **D. Statutory Noncompliance Does Not Make the Evidence of Defendant's**
12 **Violation of Vehicle Code section 21453(a) Inadmissible.**

13 Even if the Appellate Division was to find that the City failed to comply with §21455.5
14 or the State standards set forth in the MUTCD regarding yellow light intervals, such
15 noncompliance does not require the exclusion of evidence that defendant violated Vehicle Code
16 section 21453(a) or the dismissal of the citation by the Traffic Court.

17 California courts have consistently held that evidence with a proper foundation is
18 admissible despite statutory noncompliance. For example, in *People v. Sangani*, 22 Cal. App. 4th
19 1120 (1994), the defendant charged with violations of the Hazardous Waste Act, moved for
20 exclusion of evidence of a chemical analysis of water on the basis that the laboratory performing
21 the analysis was not certified by the Department of Toxic Substance control as required by
22 statute. Specifically, the statute prohibited a public entity from contracting with an uncertified
23 laboratory for environmental analysis. The Court of Appeal found that despite the non-
24 compliance, the three foundational requirements for the scientific evidence were met.
25 Accordingly, the court held that the lack of certification merely went to the weight, not the
26 admissibility, of the evidence. *Id., supra* at 1307.

27 "Where a statute...does not specifically provide that evidence shall be excluded for
28 failure to comply with said statutes and there are not constitutional issues involved, such

1 evidence is not inadmissible. Statutory compliance merely goes to the weight of the evidence.”
2 *People v. Adams*, 59 Cal. App. 3d 559, 566 (1976) citing *People v. Rawlings*, 42 Cal. App. 3d
3 952, 956 (1974).

4 Neither Section 21455.5 or the MUTCD standards requires the exclusion of evidence for
5 noncompliance with its provisions and defendant fails to provide any legal authority that
6 dismissal is proper in such a situation. As such, any evidence of the City’s noncompliance with
7 §21455.5 or the MUTCD standards would merely go to the weight of the evidence and not to the
8 admissibility of the evidence. During the trial, the Traffic Court considered all the evidence
9 presented and determined that defendant was in violation of the Vehicle Code. Further,
10 defendant does not deny that he violated Vehicle Code section 21453(a) by failing to stop at the
11 red light on January 23, 2009. As such, issuance of the citation would remain legally compliant
12 and evidence presented at trial was properly considered by the Traffic Court in finding defendant
13 guilty. For all of these reasons, the Traffic Court’s decision finding defendant guilty of Vehicle
14 Code section 21453(a) should be upheld.

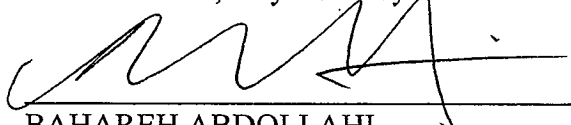
15 **III. CONCLUSION**

16 Defendant has not provided any evidence that he did not violate Vehicle Code section
17 21453(a) on January 23, 2009, or that any acts by the City of San Mateo should have led to the
18 dismissal of the charges against him by the Traffic Court. As such, the City respectfully requests
19 the Appellate Division uphold the Traffic Court’s findings.

20
21 Dated: January 11, 2010

22
23 Respectfully submitted,

24 SHAWN M. MASON, City Attorney

25
26 By: 

27 BAHAREH ABDOLLAHI
28 Assistant City Attorney
Attorneys for Real Part in Interest,
City of San Mateo

EXH 1

DECLARATION OF MATTHEW PANGALOS

I, **Matthew Pangalos**, declare the following:

1. I offer the following Declaration in support of the City of San Mateo's Response to Appellant's Opening Brief, filed by Defendant Paul [REDACTED], against the People of the State of California, on or about December 9, 2009, with the San Mateo Superior Court – Appellate Division. The facts stated herein are true of my own personal knowledge except for those stated upon information and belief of which I am informed and believe them to be true. If called as a witness, I could and would testify to the same.

2. I am the Director of Red Light Camera Operations for the San Mateo Police Department ("SMPD"). I have held this position since 2007. Prior to that, I worked as a Red Light Coordinator for the SMPD Red Light Camera Operations since 2006.

3. A true and correct copy of the City's previous agreement with Redflex is attached hereto as **Exhibit A**.

4. A true and correct copy of the City's current agreement with Redflex is attached hereto as **Exhibit B**.

5. The citation process for violations captured via the red light enforcement cameras involves the City's contractor, Redflex Traffic Systems ("Redflex"). The City has contracted with Redflex to provide for the installation, maintenance, servicing, image collection and Notice to Appear processing for the Red Light Photo Enforcement Program under the supervision and direction of SMPD.

6. SMPD chooses the intersections which the System will be installed.

7. Cameras are physically inspected and tested on a regular basis per the manufacturer's specifications. All inspections are logged and filed and any problems are recorded and remedied immediately.

8. Each red light enforcement camera has a digital signature which is affixed to the information prior to being sent to Redflex. The violation information is immediately encrypted

1 during transmission and sent via a VPN connection to Redflex and the digital signature
2 confirmed for authenticity.

3 9. Redflex technicians remotely maintain and service each camera unit daily. If the
4 photos are clear and resolute, they are transmitted to the SMPD database where they are
5 reviewed by staff acting as the Red Light Enforcement Coordinators ("Coordinators").

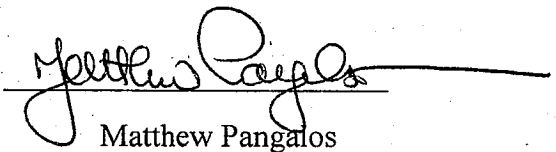
6 10. By reviewing the images, the SMPD can identify and reject photographs that are
7 not adequate and determine if there is reasonable cause to believe a violation has occurred. If
8 adequate, the SMPD electronically signs and issues the citation. The citations are then returned
9 to Redflex for mailing. At this time, Redflex prints the violation information, including the
10 photographs, and sends them to the violating party.

11 11. The red light cameras at the intersection of Hillsdale Boulevard and Norfolk
12 Street were physically inspected and certified by Redflex on January 5 and 29, 2009. A true
13 and correct copy of the Redflex Maintenance Report for these dates is attached hereto as
14 **Exhibit C.**

15 12. There are no reports or other indications from Redflex, or any other source, that
16 the red light cameras at the intersection of Hillsdale Boulevard and Norfolk Street were not
17 calibrated or operating properly on January 23, 2009.

18
19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct to the best of my knowledge and belief.

21
22 Subscribed to on January 8, 2010 in San Mateo, California under penalty of perjury.

23
24
25 
26 Matthew Pangalos



Maintenance Job Statistics - Details

12/16/2009

Begin Date: 12/23/2008

End Date: 02/23/2009

Filtered by: Open Date

EXHC

Work Order Id	Approach	Open Date	Mantis/Maint	Close Date	Technician	Priority	Issue	Issue Explained
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San Mateo

202433	SAN-HINO-01		N/A	12/31/2008	JOHN HARRISON	ROUTINE	OPS CHECK	
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Work Performed Status: COMPLETED

Requires Monthly Maintenance Ops Check per RTS Specification Checklist 1.01

1. Certificate of Inspection and Operation:
 Routine proactive maintenance for this approach. All physical, hardware, and software systems operational per RTS specifications and Routine Maintenance Program. Performed following checks :
 Physical Check (Verified structure, glass cleaned, area free of debris, foundation seals, equipment clean, enclosures secure) Communication Check (Router, modem, and communication link in working order) Secure Continuity (All loop grounding is secure and within specification) Voltage Levels (All incoming voltage levels are within specification and foreign voltage does not exist) System Check (Next Images, hard-drives, SDCM communications, video, and phasing fully operational) Valid Certification

HOURS WORKED: 0.25 REPORTED BY: JCHARRISON
 START DATE: 1/5/2009 7:30.00 AM END DATE: 1/5/2009 7:45.00 AM

WORK ORDER ASSIGNED TO: KDALJIT

202435	SAN-HINO-03		N/A	12/31/2008	JOHN HARRISON	ROUTINE	OPS CHECK	
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Work Performed Status: COMPLETED

Requires Monthly Maintenance Ops Check per RTS Specification Checklist 1.01

1. Certificate of Inspection and Operation:
 Routine proactive maintenance for this approach. All physical, hardware, and software systems operational per RTS specifications and Routine Maintenance Program. Performed following checks :
 Physical Check (Verified structure, glass cleaned, area free of debris, foundation seals, equipment clean, enclosures secure) Communication Check (Router, modem, and communication link in working order) Secure Continuity (All loop grounding is secure and within specification) Voltage Levels (All incoming voltage levels are within specification and foreign voltage does not exist) System Check (Next Images, hard-drives, SDCM communications, video, and phasing fully operational) Valid Certification

HOURS WORKED: 0.25 REPORTED BY: JCHARRISON
 START DATE: 12/31/2008 7:30.00 AM END DATE: 12/31/2008 7:45.00 AM

WORK ORDER ASSIGNED TO: KDALJIT

Work Order Id	Approach	Open Date Mantis/ Maint	Close Date	Technician	Priority	Issue	Issue Explained
208072	SAN-HINO-01	N/A 01/29/2009	01/29/2009	JOHN HARRISON	ROUTINE	OPS CHECK	

Work Performed Status: COMPLETED

1. Certificate of Inspection and Operation:

Routine proactive maintenance for this approach. All physical, hardware, and software systems operational per RTS specifications and Routine Maintenance Program. Performed following checks : Physical Check (Verified structure, glass cleaned, area free of debris, foundation seals, equipment clean, enclosures secure) Communication Check (Router, modem, and communication link in working order) Secure Continuity (All loop grounding is secure and within specification) Voltage Levels (All incoming voltage levels are within specification and foreign voltage does not exist) System Check (Next Images, hard-drives, SDCM communications, video, and phasing fully operational) Valid Certification

HOURS WORKED: 0.25 REPORTED BY: JCHARRISON
 START DATE: 1/29/2009 8:15.00 AM END DATE: 1/29/2009 8:30.00 AM

Requires Monthly
 Maintenance Ops Check per
 RTS Specification Checklist
 1.01

WORK ORDER ASSIGNED TO: KDALJIT

208073	SAN-HINO-03	N/A 01/29/2009	01/29/2009	JOHN HARRISON	ROUTINE	OPS CHECK	
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Work Performed Status: COMPLETED

1. Certificate of Inspection and Operation:

Routine proactive maintenance for this approach. All physical, hardware, and software systems operational per RTS specifications and Routine Maintenance Program. Performed following checks : Physical Check (Verified structure, glass cleaned, area free of debris, foundation seals, equipment clean, enclosures secure) Communication Check (Router, modem, and communication link in working order) Secure Continuity (All loop grounding is secure and within specification) Voltage Levels (All incoming voltage levels are within specification and foreign voltage does not exist) System Check (Next Images, hard-drives, SDCM communications, video, and phasing fully operational) Valid Certification

HOURS WORKED: 0.25 REPORTED BY: JCHARRISON
 START DATE: 1/29/2009 8:30.00 AM END DATE: 1/29/2009 8:45.00 AM

Requires Monthly
 Maintenance Ops Check per
 RTS Specification Checklist
 1.01

WORK ORDER ASSIGNED TO: KDALJIT

DECLARATION OF SUSANNA CHAN

EXH 2

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2
3 I, **Susanna Chan**, declare the following:

4 1. I offer the following Declaration in support of the City of San Mateo's
5 Response to Appellant's Opening Brief, filed by Defendant Paul B [REDACTED], against the People of
6 the State of California, on or about December 9, 2009, with the San Mateo Superior Court –
7 Appellate Division. The facts stated herein are true of my own personal knowledge except for
8 those stated upon information and belief of which I am informed and believe them to be true.
9 If called as a witness, I could and would testify to the same.

10 2. I am the City Engineer and the Deputy Director of Public Works for the City of
11 San Mateo ("City"). I have held this position since 2007. Prior to holding these positions, I
12 held other positions with the City's Public Works Department for approximately 8 years.

13 3. True and correct copies of Section 4D.10 and Table 4D-102 (CA) of the
14 California Manual on Uniform Traffic Control Devices ("MUTCD"), as adopted by the
15 California Department of Transportation, are attached hereto as **Exhibit A**.

16 4. The City has always met the MUTCD standards for minimum yellow light
17 change intervals for the traffic signals at the intersection of Hillsdale Boulevard and Norfolk
18 Street.

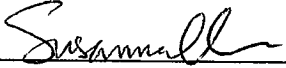
19 5. A true and correct copy of a memorandum I prepared on January 7, 2009,
20 certifying that the yellow light change intervals (or amber light timings) for all City
21 intersections with red light enforcement cameras meet the requirements of the MUTCD is
22 attached hereto as **Exhibit B**.

23 6. The time turn-on/turn-off time for the traffic signal lights at the intersection of
24 Hillsdale Boulevard and Norfolk Street is a maximum of 75 milliseconds according to the
25 manufacturer of the traffic signal, Dialight.

26 7. The MUTCD does not provide any guidance or requirements regarding the
27 calculation or consideration of the time which is inherently required for the lights to change
28 for purposes of setting yellow light change intervals.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct to the best of my knowledge and belief.

3
4 Subscribed to on January 8th, 2010 in San Mateo, California under penalty of perjury.

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8 Susanna Chan
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EXHA

Section 4D.10 Yellow Change and Red Clearance Intervals

Standard:

A yellow signal indication shall be displayed following every CIRCULAR GREEN or GREEN ARROW signal indication.

The exclusive function of the yellow change interval shall be to warn traffic of an impending change in the right-of-way assignment.

The duration of a yellow change interval shall be predetermined.

Guidance:

A yellow change interval should have a duration of approximately 3 to 6 seconds. The longer intervals should be reserved for use on approaches with higher speeds.

Option:

The yellow change interval may be followed by a red clearance interval to provide additional time before conflicting traffic movements, including pedestrians, are released.

Support:

The purpose of the yellow signal indication is to warn traffic approaching a traffic signal that the related green movement is ending or that a steady red indication will be exhibited immediately thereafter and traffic will be required to stop when the red signal is exhibited.

Standard:

The minimum yellow light change interval shall be in accordance with Table 4D-102(CA). The posted speed limit, or the prima facie speed limit established by the California Vehicle Code (CVC) shall be used for determination of the minimum yellow light change interval for the through traffic movement.

The minimum yellow light change interval for a protected left-turn or protected right-turn phase shall be 3.0 seconds.

Option:

The minimum yellow light change interval for the through movement and the protected left-turn or protected right-turn may be increased based on a field review or by using appropriate judgment. That judgment may be based on numerous factors, including, but not limited to, 85th percentile speed, intersection geometry and field observation of traffic behavior.

Standard:

The duration of a red clearance interval shall be predetermined.

Guidance:

A red clearance interval should have a duration not exceeding 6 seconds.

Support:

When used, red clearance intervals normally range from 0.1 to 2.0 seconds.

Section 4D.11 Application of Flashing Signal Indications

Standard:

The light source of a flashing signal indication shall be flashed continuously at a rate of not less than 50 nor more than 60 times per minute. The illuminated period of each flash shall be not less than half and not more than two-thirds of the total flash cycle.

Flashing signal indications shall comply with the requirements of other Sections of this Manual regarding shielding or positioning of conflicting signal indications, except that flashing yellow signal indications for through traffic shall not be required to be shielded or positioned to prevent visual conflict for road users in separately controlled turn lanes.

The following applications shall apply whenever a traffic control signal is operated in the flashing mode:

- A. Each approach or protected only mode turn movement that is controlled during steady mode (stop-and-go) operation shall display a signal indication during flashing operation.
- B. All signal faces that are flashed on an approach shall flash the same color, either yellow or red, except that separate signal faces for protected only mode turn movements and separate signal faces for protected/permissive left-turn movements shall be permitted to flash a CIRCULAR RED or RED ARROW signal indication when the through signal indications are flashed yellow.

Table 4D-102 (CA). Minimum Yellow Light Change Interval Timing

$$\text{Yellow Time} = \frac{\text{Detector Setback Distance}}{\text{Speed}}$$

$$T = \frac{D}{V} = \text{The minimum yellow light change interval (sec)}$$

V = Posted speed or prima facie Speed (m/sec or ft/sec)

d = Deceleration Rate (3.05 m/sec² or 10 ft/sec²)

t_R = Reaction Time (1 sec)

Reaction Distance = Vt_R

Deceleration Distance = $\frac{1}{2}dt^2$ or $\frac{1}{2}Vt$ or $\frac{V^2}{2d}$

D = Detector Setback = Deceleration Distance + Reaction Distance = $\frac{V^2}{2d} + Vt_R$

$$T = \frac{\frac{V^2}{2d} + Vt_R}{V}$$

$$T = \frac{V}{2d} + t_R$$

POSTED SPEED or PRIMA FACIE SPEED		MINIMUM YELLOW INTERVAL
mph	km/h	Seconds
25 or less	40 or less	3.0
30	48	3.2
35	56	3.6
40	64	3.9
45	72	4.3
50	80	4.7
55	89	5.0
60	97	5.4
65	105	5.8

EXH B

Memorandum

City of San Mateo
Director of Public Works
330 West 20th Avenue
San Mateo, CA 94403
(650) 522-7300
Fax: (650) 522-7301

Date: January 7, 2009
To: Officer Matthew Pangalos
San Mateo Police Department
From: Susanna Chan, Deputy Director/City Engineer
Cc: Gary Heap, Senior Engineer
Andrew Wong, Associate Engineer
Tom Farrankop, Engineering Technician
Chron/File
Re: *AMBER LIGHT TIMINGS*

The City of San Mateo Department of Public Works Traffic Engineering Division hereby certifies that the amber timings at the following locations meet or exceed the minimum amber light change interval timing as specified in Section 4D.10 and Table 4D-102(CA)(see attachment) of the California MUTCD (FHWA's MUTCD 2003 Revision 1, as amended for use in California). Additionally, Section 4D.10 also states that the values as shown in Table 4D-102(CA) shall be used for the determination of the minimum amber light change interval for through movements. Any protected left-turn or right-turn phases shall have a minimum amber light change interval of 3.0 seconds.

The current amber timings are as follows:

Intersection	Direction	Movement	Posted Speed Limit	Existing Interval
E. Hillsdale/Saratoga	NB	Through	30 mph	3.2 sec
E. Hillsdale/Saratoga	EB*	Left	35 mph	3.0 sec
E. Hillsdale/Saratoga	EB*	Through	35 mph	3.6 sec
E. Hillsdale/Saratoga	SB*	Through	30 mph	3.2 sec
E. Hillsdale/Saratoga	WB	Left	35 mph	3.0 sec
E. Hillsdale/Saratoga	WB	Through	35 mph	3.6 sec
E. Hillsdale/Saratoga	NB	Through	25 mph	3.0 sec
E. Hillsdale/S. Norfolk	EB*	Left	35 mph	3.6 sec
E. Hillsdale/S. Norfolk	EB*	Through	35 mph	3.6 sec
E. Hillsdale/S. Norfolk	SB	Through	25 mph	3.0 sec
E. Hillsdale/S. Norfolk	WB*	Left	35 mph	3.2 sec
E. Hillsdale/S. Norfolk	WB*	Through	35 mph	3.6 sec
E. 4 th /S. Humboldt	NB	Through	25 mph	3.0 sec
E. 4 th /S. Humboldt	EB*	Through	30 mph	3.6 sec
E. 4 th /S. Humboldt	SB	Through	25 mph	3.0 sec

* Denotes movement monitored by red-light cameras