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Judge Overturns Red-Light Camera Ban, Opponents Turn Red-Faced

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Houston residents have learned their vote may not matter after all.

A federal judge has overturned on a technicality the results of a ballot measure held last November that would have banned the City of Houston's use of red-light traffic enforcement cameras. Camera opponents vow to continue the fight.

In his ruling, handed down in July, Judge Lynn Hughes said under the city's charter, any efforts to overturn an ordinance must have occurred within 30 days of the ordinance's passage. The City Council passed the ordinance allowing for traffic enforcement cameras in September 2004. The City Council had them installed two years later.

53 Percent Majority

Last fall's effort to end the use of red-light cameras had widespread support: More than 20,000 signatures were gathered to have the measure placed on the ballot, and it passed with 53 percent of the vote. After the election, the cameras were turned off while the city pursued legal action.

After the judge's ruling, Mayor Anise Parker ordered the cameras turned back on.

"I clearly understand the will of the voters," Parker said. "They voted to have the cameras removed, but a federal judge has ruled that that election process was invalid, and, because of that, we are in a dilemma."

The city has more than 70 cameras at 50 intersections, which have resulted in 800,000 tickets and have brought in more than \$50 million in fines since 2006. The city has a contract with Arizona-based American Traffic Solutions (ATS), which owns and operates the cameras. ATS is also responsible for processing the citations and collecting payment.

Contract Threat

Jessica Michon, press secretary to Mayor Parker, said had the election results been upheld, it would have broken the city's contract with ATS, and the city would have owed ATS some \$20 million. She said with all the other recent budget cuts, the city does not have the money to pay ATS to break its contract.

In fact, it has yet to be determined whether the city owes ATS any money for the months between November and July when the cameras were turned off while the case was being litigated.

The ruling did not sit well with the ballot measure's sponsors, Paul, Randy, and Francis Kubosh. The trio formed the group Citizens Against Red Light Cameras and waged a grassroots campaign running up to last November's campaign. They vow to continue the fight.

'Addicted to Money'

"I would say that the mayor's decision [to turn the cameras back on] was not unexpected. She is addicted to the money," said Michael Kubosh. "We will continue to struggle against Mayor Parker and her ATS allies. This is just one battle in a long war."

Michon said getting the cameras turned back on was never guaranteed, and she pointed to this year's city budget, which includes \$100 million in cuts. She said the cuts were made in part because of the questions over red-light camera revenue.

"We crafted a balanced budget in July, and we were not relying on any revenue from the cameras," she said. "Money from the cameras go to fund public safety programs like Level 1 trauma centers. As a result of budget cuts, civilian police department employees were laid off."

\$202,000 in Six Days

It appears the city will have plenty of money coming in from the cameras. In the six days after the cameras were turned back on, more than 2,700 citations were issued to drivers. At \$75 apiece, that comes to more than \$202,000.

According to a spokesman for the Houston Police Department, cameras caught more than 10,000 offences, but the police do not cite drivers for incidents such as turning right on red. Incidents are first reviewed by police department staff. Those that are deemed in violation of the law are forwarded to ATS for processing.

Within a few days after the judge's ruling, the Kubosh brothers were already continuing their fight by holding a rally at Houston City Hall and appearing at a meeting of the City Council.

From Legal to Political Issue

Paul Kubosh said, "This is no longer a legal issue but a political issue." He and others claim the city and ATS worked together to get the election results overturned.

"The \$20 million figure comes straight from ATS; it does not come from anywhere else," said Kubosh. "The mayor has adopted the threat as being fact. It is fiction."

Michael Kubosh said as the November municipal elections approach, he wants all the council members to state publicly where they stand on the issue of the cameras.

“It's not up to just the mayor alone. The council voted to put them in years ago, and the council needs to be on record as to how they stand on this issue. We're having an election in November. It's very important for the 186,000 citizens who voted against these cameras to know where these city council members stand,” he said.

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