

INTRADEPARTMENTAL CORRESPONDENCE

December 2, 2015

1.1

REVIEWED

TO: The Honorable Board of Police Commissioners

*M. Silva*  
11/30/15  
DATE

FROM: Chief of Police

SUBJECT: FLASHING RED-LIGHT CALIFORNIA VEHICLE CODE SECTION

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE this report; and,
2. That the Board TRANSMIT this report to the Mayor and City Council.

BACKGROUND

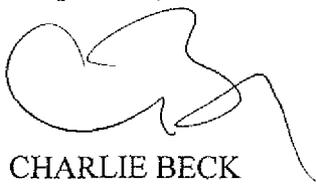
On May 1, 2015, Councilmembers Bonin and Huizar introduced a Motion at the City Council's Transportation Committee instructing the Department to report on the enforcement of Section 21456(b) "Wait or Don't Walk" of the California Vehicle Code. The Motion was specific to the following points:

- The practical consequences and public safety rationale for the enforcement of section;
- The Department policy regarding an officer's discretion in issuing traffic citations;
- Specific metrics on citation issuance and locations; and,
- Any evidence that demonstrates a direct correlation between enforcement and improvements to traffic safety;

On September 29, 2015, Councilmember Bonin requested further statistical information to be incorporated into the original Motion. It was further requested that the Los Angeles Department of Transportation report on engineering elements, legislative proposals and Vision Zero.

If you have any questions or concerns regarding this correspondence, please have a member of your staff contact Captain Philip S. Fontanetta, Commanding Officer, EOD, (213) 486-0680.

Respectfully,



CHARLIE BECK  
Chief of Police

BOARD OF  
POLICE COMMISSIONERS  
Approved December 8, 2015  
Secretary *Maria Silva*

Attachment

## INTRADEPARTMENTAL CORRESPONDENCE

October 1, 2015

1.15

**TO:** Chief of Police

**FROM:** Commanding Officer, Counter-Terrorism and Special Operations Bureau

**SUBJECT:** FLASHING RED-LIGHT CALIFORNIA VEHICLE CODE SECTION

On May 1, 2015, Councilmembers Bonin and Huizar introduced a Motion at the City Council's Transportation Committee instructing the Department to report on the enforcement of Section 21456(b) "Wait or Don't Walk" of the California Vehicle Code. The Motion was specific to the following points:

- The practical consequences and public safety rationale for the enforcement of section;
- The Department policy regarding an officer's discretion in issuing traffic citations;
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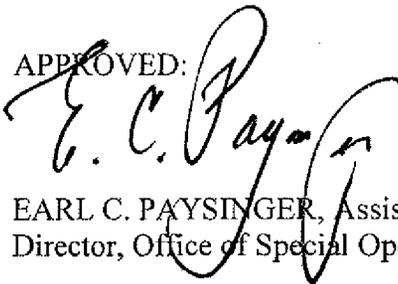
On September 9, 2015, Councilmember Bonin requested further information to be incorporated into the original Motion. This follow-up information consisted of the following:

- Number of jaywalking tickets issued by the Department and the specific locations;
- Whether enforcement is targeted at certain areas such as near mass transit stops;
- The number of vehicles that are cited for moving violations in the crosswalks;
- The number of vehicular/pedestrian collisions and their location;
- Attributed violation/fault for each fatal pedestrian collision; and,
- Determine whether the issuance of jaywalking tickets increases the safety of pedestrians.

It was further requested that the Los Angeles Department of Transportation report on engineering elements, legislative proposals and Vision Zero.

If you have any questions or concerns regarding this correspondence, please have a member of your staff contact me at (213) 486-8780.

  
MICHAEL P. DOWNING, Deputy Chief  
Commanding Officer  
Counter-Terrorism and Special Operations Bureau

APPROVED:  
  
EARL C. PAYSINGER, Assistant Chief  
Director, Office of Special Operations

Attachment

**FACT SHEET**  
**FLASHING RED-LIGHT CALIFORNIA VEHICLE CODE SECTION**  
September 30, 2015

**BACKGROUND**

Over the last several years, the City of Los Angeles has embarked on an aggressive campaign to encourage community members to walk. With the anticipated increases in pedestrian traffic on the roadway, the City of Los Angeles has the responsibility and obligation to ensure all users of the roadway are protected. The City of Los Angeles seeks to achieve these goals through traffic enforcement, traffic education and traffic engineering.

On May 1, 2015, Councilmembers Bonin and Huizar introduced a Motion (15-0546) at the Transportation Committee instructing the Department to report on the enforcement of Section 21456(b) of the California Vehicle Code (VC). The Motion was specific to the following:

1. The practical consequences and public safety rationale for the enforcement of this section;
2. The Department policy regarding an officer's discretion in issuing traffic citations;
3. Specific metrics on citation issuance and locations; and,
4. Any evidence that demonstrates a direct correlation between enforcement and improvements to traffic safety.

The Motion further directed that the Department work with the Los Angeles Department of Transportation (LADOT) to report how these enforcement actions complemented or conflicted with LADOT's "Vision Zero" Strategic Plan, which has as its goal the elimination of traffic fatalities in the City of Los Angeles by 2025.

On September 9, 2015, Councilmember Bonin further requested at the Transportation Committee that the following items be addressed:

1. The LAPD to provide data addressing the following:
  - The number of jaywalking tickets issued by the Department and the specific locations. Specifically, whether certain areas of the City are targeted and whether enforcement activity is focused at locations near mass transit stops;
  - The number of vehicles that are cited for moving violations in the crosswalks;
  - The number of vehicular/pedestrian collisions and their location;
  - Attributed violation/fault for each fatal pedestrian collision; and,
  - Determination whether the issuance of jaywalking tickets increases the safety of pedestrians
2. The LAPD and LADOT report on the appropriate enforcement strategies to address the top five most critical threats for pedestrian safety.
3. The LADOT to report with recommendations for legislative changes, education campaigns, and pedestrian signal timing that would simplify and clarify rules relative to crosswalk safety.

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**DISCUSSION**

**Overview of Existing Laws Regarding Pedestrians**

Section 21456 “Walk, Wait or Don’t Walk” of the California Vehicle Code governs when a pedestrian may cross at a controlled intersection. This section states that a pedestrian who begins to cross against a steady or flashing upraised hand is in violation of Section 21456 VC, which states the following:

Whenever a pedestrian control signal showing the words "WALK" or "WAIT" or "DON'T WALK" or other approved symbol is in place, the signal shall indicate as follows:

- (a) "WALK" or approved "Walking Person" symbol. A pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.
  
- (b) Flashing or steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol. **No pedestrian shall start to cross** the roadway in the direction of the signal, but any pedestrian who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the "WAIT" or "DON'T WALK" or approved "Upraised Hand" symbol is showing. (*emphasis added*)

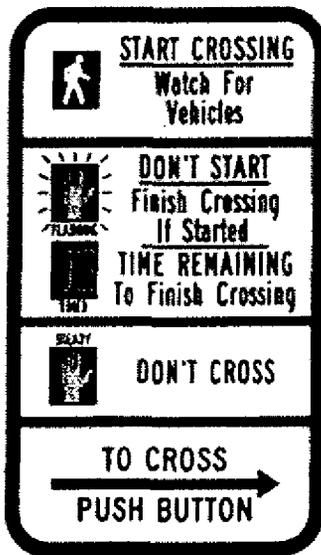
The signal controls are timed according to standards outlined in the California Manual on Uniform Traffic Control Devices (CAMUTCD). The controls are timed such that an average pedestrian who begins crossing during the “Walk” phase can reasonably reach the far side in time.

Consequently, a pedestrian who begins crossing during the “Don’t Walk” phase is unlikely to have sufficient time to clear the intersection and/or may prevent right turning traffic and cause traffic congestion to occur. Moreover, the pedestrian may be running or otherwise moving quickly into the path of the turning vehicle at a time in which drivers are not reasonably expecting to come into conflict with a pedestrian.

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**Pedestrian Awareness of Legal Requirements**

It is reasonable to expect pedestrians to know their legal requirements at pedestrian signal lights. The red “upraised hand” symbol universally conveys the message that one is not to proceed. Furthermore, the *California 2015 Driver Handbook* gives pedestrians specific instructions regarding pedestrian signal lights. Page 24 of the *Handbook* states that a “**Don’t Walk**” or “**Raised Hand**” signal means you may not start crossing the street.” The handbook also clarifies the meaning of the countdown signal (*see figure, right*).



**Pushbutton Detector Unit Signs**

Signs that explain a pedestrian’s legal requirements are mounted immediately above or incorporated into *all* pedestrian pushbutton detector units throughout the City (*see figure*).<sup>1</sup>

In spite of these educational efforts, there are still many pedestrians who do not understand their legal requirements at crosswalks, marked and unmarked.

Thus, further outreach efforts are needed.

The National Highway Traffic Safety Association (NHTSA) states that, “Pedestrian safety enforcement activities are most effective in combination with outreach efforts. While enforcement helps to ensure compliance, outreach and education help ensure that roadway users fully understand their responsibilities (Mitman & Ragland, 2002; Zegeer et al., 2009). Given the poor state of driver and pedestrian knowledge, combined with possible public “pushback” if enforcement activities come as a surprise, pedestrian safety activities should include community education. Effective enforcement activities often have a substantial educational component that reaches beyond the drivers and pedestrians who are stopped, adding to the overall deterrence effect and enhancing the effectiveness of enforcement itself as a safety tool. Well-publicized enforcement changes more behavior than enforcement alone because it reaches more people (Monsere & Coffman, 2007).”

The shared goal of LAPD and LADOT is to prevent injuries and save lives. The evidence points to a higher likelihood of this outcome when there is a stronger emphasis on education and outreach; a data-driven approach linked to the specific issues at a specific location; and a balanced focus on pedestrian and driver behavior.

*Excerpt from Page 24 of the California 2015 Driver Handbook*

**PEDESTRIAN SIGNAL LIGHTS**

Pedestrian signals show words or pictures similar to the following examples:

“Walk” or “Walking Person” signal light means it is legal to cross the street.



“Don’t Walk” or “Raised Hand” signal light means you may not start crossing the street.



Flashing “Don’t Walk” or Flashing “Raised Hand” signal light means do not start crossing the street because the traffic signal is about to change. If the signal light starts flashing after you have already started to cross, finish crossing the street as quickly as possible.

Countdown signals indicate how many seconds remain for crossing. These signals allow pedestrians the flexibility to speed up if the crossing phase is about to expire.

<sup>1</sup> See CAMUTCD Section 4E.06.

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**Legislation in Neighboring States**

In a review of laws in neighboring states, staff found that Salt Lake City, Utah enacted a local ordinance that gives pedestrians the discretion to begin crossing against a red hand if the pedestrian is able to safely walk across the street in time. (Ord. 62-02 §21, 2002) However, such an ordinance would not be possible under California law as it would violate the provisions of Section 21(a) VC, which states:

VC §21(a) Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the state and in all counties and municipalities therein, and **a local authority shall not enact or enforce any ordinance or resolution on the matters covered by this code**, including ordinances or resolutions that establish regulations or procedures for, or assess a fine, penalty, assessment, or fee for a violation of, matters covered by this code, unless expressly authorized by this code. (*emphasis added*)

**Authority for a Local Ordinance**

Although a Salt-Lake City style ordinance is not possible, there are other ordinances that can be legally considered. In recognition that pedestrian safety does not fit easily into a State-wide, one-size-fits-all paradigm, the California Vehicle Code allows local authorities to adopt resolutions to prohibit pedestrians from crossing roadways at other than crosswalks (per Section 21961 VC). Thus, the City may further address a behavior that contributes to fatal and severe collisions more than any other, that is, crossing outside of the crosswalk.

Under current pedestrian laws, there are many situations where a pedestrian may legally cross outside of a crosswalk, even across a large, busy street (see further discussion on “Jaywalking and Pedestrian Right-of-Way” in Appendix). Although technically legal, this behavior puts the pedestrian at higher risk of being involved in a collision.

To prevent this dangerous behavior, the City could consider enacting an ordinance that prohibits a pedestrian from crossing outside of a crosswalk on a street with a roadway width greater than 40 feet (Avenues and Boulevards as designated by S-470). This would still allow for convenient crossing on narrower collector streets, but would keep pedestrians out of harm’s way on busy arterials. Furthermore, such an ordinance would not be subject to the extensive penalty assessments that are attached to state Vehicle Code violations and would therefore be less punitive.

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**FINDINGS**

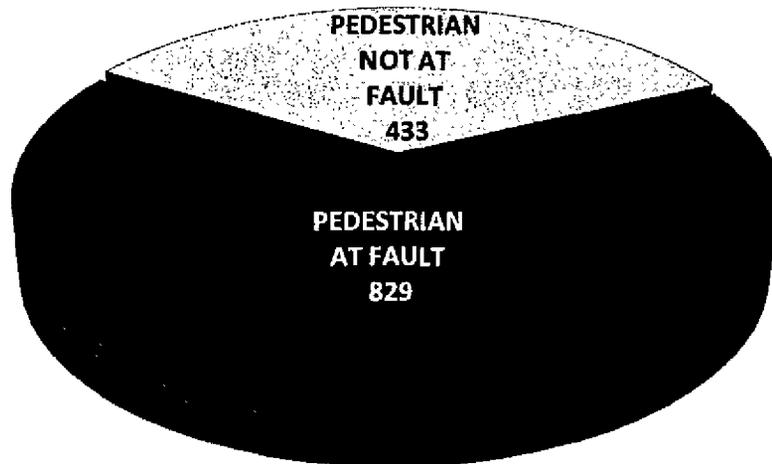
The Transportation Committee requested that the Department provide insight into the following aspects of pedestrian enforcement.

**1. Practical Consequences & Public Safety Rationale for Enforcing Section 21456(b) VC.**

The practical consequence and public safety rationale for the enforcement of Section 21456(b) VC is that this violation constitutes unsafe behavior that may endanger pedestrians, increases the likelihood of a traffic collision and interferes with the expeditious flow of traffic. From 2010 to 2014 there were 324 pedestrians injured and 26 pedestrians killed as a result of violating Section 21456(b) VC. Moreover, a large portion of fatal and severe traffic collisions involve pedestrians (45 percent and 21 percent respectively), and in the majority of these traffic collisions the pedestrian is at-fault.

The Department reviewed the primary collision factors of pedestrian traffic collisions to determine the extent to which vehicles or pedestrians are listed at fault. The results indicate that pedestrians are listed at fault in 66 percent<sup>2</sup> of fatal and severe traffic collisions.

**Pedestrian Fault 2010-2014**  
*Fatal and Severe Injury*



Given that pedestrians are overrepresented in fatal and severe traffic collisions, and given that in these traffic collisions they are “at-fault” most of the time, the Department recognizes the importance of pedestrian enforcement. The practical consequences of this enforcement will hopefully be a reduction in traffic fatalities.

<sup>2</sup> Pedestrian is “at-fault” if the primary collision factor is a pedestrian violation. See End Notes for violation codes.

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**2. Department policy regarding an officer's discretion in issuing traffic citations.**

The Department explicitly provides officers with discretion to issue warnings when the officer, in their unbiased judgment, believes that a warning would be most appropriate. The Department does not have a policy or practice that directs officers to adhere to "the letter of law" when enforcing pedestrian laws. The traffic enforcement objective of the Department is set forth in Department Manual Section 1/580.10:

"The traffic enforcement objective of the Department is to reduce traffic collisions and injuries and to facilitate the safe and expeditious flow of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations. The Department seeks to achieve this objective through a combination of education and enforcement....

The Department will take enforcement action upon the detection of an illegal and potentially hazardous act without regard for such factors as attitude, intent, or frivolous excuse. **Enforcement action may consist of a warning, citation, application for complaint, or physical arrest.**" (*emphasis added*)

On March 10, 2015, the Department instituted new Traffic Violation Warning Procedures and activated the Traffic Violation Warning, Form 04.40.00. The warning notice provides officers with another tool to educate the public regarding traffic safety and to assist in obtaining voluntary compliance with traffic laws. The new policy reminds officers to use discretion in determining whether a citation, verbal warning, application for complaint or written warning is most appropriate.

The database that collects the information from traffic warnings does not capture the specific Vehicle Code section for which a warning was given. As a result, it is not possible to determine the number of warning notices that have been issued for Section 21456(b) VC or any other specific violation.

**3. Specific metrics on citation issuance and locations.**

The Department reviewed the traffic citation data obtained from the Los Angeles County Court to determine the proportion of enforcement activity that is dedicated to pedestrian-related violations. It was revealed that pedestrian-related enforcement is far below what would be commensurate with the proportion of pedestrian-related collisions. More pedestrian enforcement is needed if there is to be a balanced approach to Vehicle Code enforcement.

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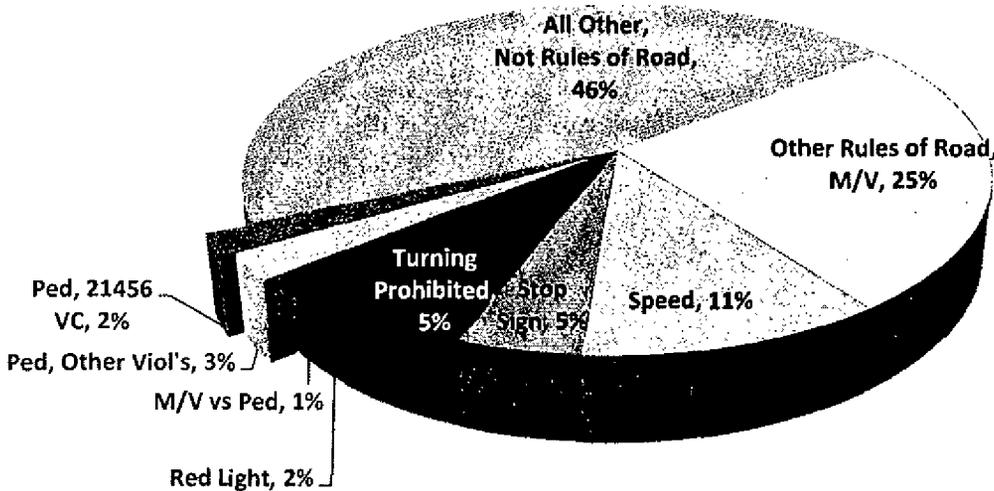
For example, the following table depicts the top ten VC violations issued by Department personnel from 2010 to 2014. Despite pedestrians representing such a significant portion of the severe and fatal traffic collisions, none of the top ten violations are pedestrian violations.

**Top 10 Vehicle Code Violations Cited, 2010-2014**

	Vehicle Code Section	Issued		Vehicle Code Section	Issued
1	Expired Registration, 4000(a)	319,297	6	Lighting Equipment, 24252(a)	169,475
2	Unsafe Speed, 22350	285,205	7	Turning Prohibited, 22101(d)	127,875
3	Proof of Insurance, 16028(a)	251,751	8	Suspended License, 14601.x	127,397
4	Cell Phone, 23123(a)	248,436	9	Stop Sign, 22450	113,340
5	Unlicensed Driver, 12500(a)	213,056	10	No License Plate(s), 5200(a)	113,325

The below pie chart shows the proportion of citations issued by Department personnel for common traffic violations for the period from 2010 to 2014. During that time, the Department issued approximately 2.4 million total citations. About half of these were for violations of the rules of the road.<sup>3</sup> Only a relatively small number of citations were issued to pedestrians (approximately 108,000, or 5 percent), and about 29,000 were issued to drivers who committed a violation against a pedestrian.

**Citations Issued 2010-2014**



The most frequent violation for which pedestrians are issued a citation is Section 21456(b), (crossing during the flashing or steady “Don’t Walk.”) This constitutes approximately 43 percent of pedestrian citations and approximately 2 percent of all citations issued Citywide. Other pedestrian violations are represented as well, such as crossing outside of a crosswalk (see Data Tables in Appendix for details). Approximately 95 percent of all citations are issued to drivers.

<sup>3</sup> “Rules of the Road” violations are all violations from Division 11 of the Vehicle Code (Sections 21000 – 23336)

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There has been a dramatic decline in citation issuance over the last five years. There was a 29 percent decrease in overall citation issuance from 2010 compared to 2014. The violation that has seen the most dramatic decline is speeding violations, which has declined 68 percent since 2010. This is most likely attributable to the high percentage of expired Engineering and Traffic Surveys (ETRS's). See Appendix for further information on citation issuance.

**Note:** On August 25, 2015, the Transportation Committee initiated another Motion instructing the LADOT to address the expired speed surveys.

**Enforcement Location**

The commanding officer of each traffic division directs the enforcement activity in their respective bureau by issuing daily missions to officers within their command. These daily missions are based on collision statistics from the Crime Analysis Mapping System. It is the responsibility of the traffic division watch commanders and field supervisory personnel to ensure officers are conducting traffic enforcement in the areas identified.

The traffic missions generally direct officers to conduct enforcement in specified reporting districts (RD's) or at problem intersections. Although the missions are provided, often officers are diverted away from these missions to respond to calls for service. In the future, consideration will be given to areas identified in the High Injury Network (HIN). It should be noted that specific locations such as transit stops are not singled out for enforcement unless such action is justified by intersection collision data.

It was requested that the Department provide specific traffic citation statistics regarding the exact locations where citations are issued most frequently. The Department obtains its citation information from the Los Angeles Superior Court; however, citation issuance locations are not geo-coded. Consequently, it is not possible to run a query for citation issuance locations.

**Note:** The Department is currently reviewing handheld electronic citation devices that might be able to capture this information. At this time, the Department is focused on expanding the body cameras.

**4. Any evidence that demonstrates a direct correlation between enforcement and improvements to traffic safety.**

It is a foundational presupposition of law enforcement that increased enforcement of the law will reduce crime. Conversely, unlawful behavior increases when it goes unchecked. Thus, it is reasonable to expect a reduction in traffic violations through consistent enforcement.

A study of individual driving history conducted in Canada and published in *The Lancet*, found that the risk of a fatal traffic collision in the month after a traffic conviction was about 35% lower than in a comparable month with no conviction for the same driver. The study thus concluded that "traffic-law enforcement effectively reduces the frequency of fatal

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motor-vehicle crashes in countries with high rates of motor-vehicle use. Inconsistent enforcement, therefore, may contribute to thousands of deaths each year worldwide.”<sup>4</sup>

According to NHTSA, “Benefits of enforcement may be apparent soon after operations begin. A recent study observed an increase in driver yielding with warning based enforcement, and further increases with citations and engineering improvements. This stepwise implementation of a high-visibility program led to a sustained increase in driver yielding over time.” Specifically, NHTSA found in a literature review and interviews conducted with 37 jurisdictions, that partnership with community stakeholders and the media is key to sustained improvements in driver yielding behavior and crash reduction.

**5. Does the enforcement of Section 21456(b) complement or conflict with LADOT’s “Vision Zero” Strategic Plan?**

On August 24, 2015, Los Angeles City Mayor Eric Garcetti issued Executive Directive 10, launching a citywide Vision Zero program. This initiative seeks to reduce traffic fatalities Citywide by 20% by 2017, prioritizing pedestrian fatalities involving older adults and children and to reduce traffic fatalities citywide to zero by 2025. The directive establishes a Vision Zero Steering Committee and Task Force to be led by the Department of Transportation and the Department. The Vision Zero Steering Committee will involve a wide berth of departments including the Department of Engineering, Fire, Street Services, Aging, Planning, Water and Power and Neighborhood Empowerment.

At the core of Los Angeles’ Vision Zero program is the use of empirical data to pinpoint the specific locations of high incidents of severe injury or death, and to deploy safety resources with greater precision and effectiveness. Initial analysis by LADOT regarding the location of traffic collisions indicates that 65% of all deaths and severe injuries involving people walking occur on just 6% of city streets. Pedestrians are the group at highest risk for severe or fatal roadway injuries. Thus, the enforcement of pedestrian violations at strategic, key locations, including enforcement of Section 21456(b) VC, is eminently consistent with the goals of Vision Zero. However, enforcement is only one component of Vision Zero’s comprehensive scope, which also includes education, engineering, evaluation and equity.

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<sup>4</sup> THE LANCET • Vol 361 • June 28, 2003 • www.thelancet.com

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**Enforcement strategies to address the top five most critical threats for pedestrian safety.**

The table below depicts the top five most frequent causes of fatal and severe pedestrian traffic collisions. The majority of these traffic collisions are the result of a pedestrian crossing outside of a crosswalk. Thus, the greatest threat to pedestrian safety is the pedestrians own lack of good judgment. An effective enforcement approach will give significant attention to ensuring that pedestrians cross at the appropriate time and place. The aforementioned local ordinance would be a powerful tool toward this end.

**Top Five Causes of Fatal and Severe Pedestrian Related Collisions (2010 – 2014)**

<b>Collisions</b>	<b>Primary Collision Factor (CVC Violation)</b>	<b>Violation Type</b>
495	21954(a) Peds Yield Right-of-Way Outside of Crosswalks	Pedestrian
150	21955 Crossing Between Controlled Intersections	Pedestrian
105	21950(a) Driver to Yield Right-of-Way at Crosswalks	Vehicle
82	22350 Unsafe Speed for Conditions	Vehicle
80	21956(a) Pedestrian on Roadway Prohibited	Pedestrian

The vehicle factors associated with pedestrian collisions are: speeding and failure to yield to pedestrians in the crosswalk. The aforementioned issues surrounding ETRS's and speed enforcement bear directly on the Department's ability to implement strategies to combat speeding.

The Department can protect pedestrians in crosswalks using a variety of enforcement methods. One proven strategy is the use of crosswalk task forces in which a plain clothes officer traverses a crosswalk while other officers conduct enforcement. Another strategy is for the traffic bureau daily missions to incorporate the High Injury Network locations to direct the deployment of officers at problematic crosswalks.

**Automated Enforcement to Protect Leading Pedestrian Intervals.**

With the introduction of leading pedestrian intervals at various intersections, pedestrians face a greater threat from vehicles turning right on a red light. This type of violation is particularly well suited for automated enforcement. The City's prior automated enforcement program focused exclusively on the enforcement of Section 21453 VC (failure to stop at red light). However, the Vehicle Code also allows for automated enforcement to be used to cite vehicles that negotiate a turn where prohibited by a sign, such as "no right turn on red light" (Section 22101 VC). Both of these violations are highly relevant to intersections with leading pedestrian intervals. Automated enforcement cameras at these intersections would offer robust protection for pedestrians crossing in the crosswalk.

The City's prior automated enforcement program encountered obstacles from the Los Angeles Superior Court's policy on citation collections. Since that time, there have been management changes and revised policies on collections that may provide new opportunities to explore.

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**RECOMMENDATIONS**

It is recommended that the following proposals be considered:

1. **Increase pedestrian enforcement.** Daily traffic missions place greater emphasis on pedestrian related violations and direct officers to regions, such as the High Injury Network, with a high incidence of pedestrian collisions.
2. **Enact a local ordinance (LAMC) to restrict crossing outside of the crosswalk.** The Transportation Committee consider an ordinance that prohibits pedestrians from crossing outside of a crosswalk on streets wider than 40 feet.
3. **Support speed enforcement by updating the expired ETRS's.** The Transportation Committee work with LADOT to update expired surveys, complete the ordinance process where new speed limits are required, and ensure passage of recommendations submitted.
4. **Engage in further public education.** The City engage in an education campaign specifically directed toward reminding pedestrians of their vulnerability to injury as well as their legal obligations on the highway.
5. **Reintroduce automated enforcement cameras.** The Transportation Committee consider developing a pilot program to install automated enforcement cameras to protect intersections with a leading pedestrian interval.

**CONCLUSION**

It is evident that the enforcement of Section 21456(b) VC serves a legitimate purpose in protecting the public, particularly the most vulnerable, and is a valuable enforcement tool. This analysis revealed that the enforcement and issuance of citations for Section 21456(b) VC and other pedestrian related violations by Department personnel is minimal. With the enactment of Vision Zero, the Department will concentrate on revising existing and future missions to ensure enforcement is occurring in problematic locations such as the High Injury Network. This renewed focus coupled with the aforementioned recommendations will certainly have a dramatic impact on the number of fatal traffic collisions involving pedestrians.

Prepared by:  
Traffic Coordination Section  
Emergency Operations Division

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**APPENDIX. SUPPLEMENTAL INFORMATION**

**“Jaywalking” and Pedestrian Right-of-Way**

The term “jaywalking” is sometimes used generically to refer to any illegal pedestrian action. According to the Vehicle Code index, however, the term more precisely refers to pedestrians crossing outside of a crosswalk. Thus, a violation of Section 21456(b) VC is not, strictly speaking, “jaywalking,” as it refers to illegal pedestrian actions while *inside* a crosswalk.

Pedestrians do not “always have the right of way.” For example, per Section 21955 VC pedestrians are completely prohibited from crossing outside of a crosswalk at any point “between adjacent intersections controlled by traffic control signal devices or by police officers.” More broadly, Section 21954(a) VC requires pedestrians who are outside of a crosswalk on any street to yield the right-of-way to “all vehicles upon the roadway so near as to constitute an immediate hazard.”

One will note, however, that the wording of these sections still allows pedestrians to cross outside of a crosswalk in many situations. Unfortunately, this freedom can sometimes be abused as pedestrians engage in potentially risky behavior. For example, under current law a pedestrian may run across the middle of a six lane highway, outside of a crosswalk, as long as they do not interfere with a vehicle or cross between signal controlled intersections. Although this behavior is highly unsafe and reinforces bad habits, it is a challenge to law enforcement as it often does not constitute a legal violation until it is too late and a collision has already occurred. Most fatal and severe pedestrian traffic collisions occur when a pedestrian is outside of a crosswalk (see Data Tables for specific data on crosswalk usage).

**Fine Calculation and Revenue Distribution**

The base fine for a violation of 21456(b) VC is \$25. With the additional penalty assessments levied by the State and County, the total fine comes to \$197. The City of Los Angeles receives \$23 of this total amount, which is distributed to the Traffic Safety Fund.

Despite the concerns that the fine and related fees that are associated with a pedestrian violation is excessive, the City does not have any control or provide any input into any additional administrative fees that are added to the base fine of \$25. Some of these additional fees are used to fund various programs in the State of California, and are beyond the control of the City.

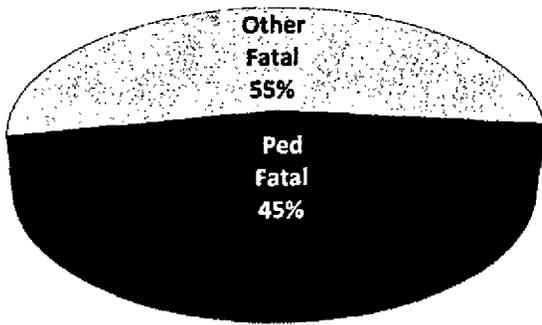
The State Legislature and Governor Brown are evaluating the escalating traffic fines, fees and penalties associated with traffic citations. Furthermore, California Supreme Court Chief Justice Tani Cantil-Sakauye has asked the Judicial Council, the policymaking body of the court, to also evaluate traffic proceedings and the impact of mandatory and discretionary fines, fees and penalties on court users.

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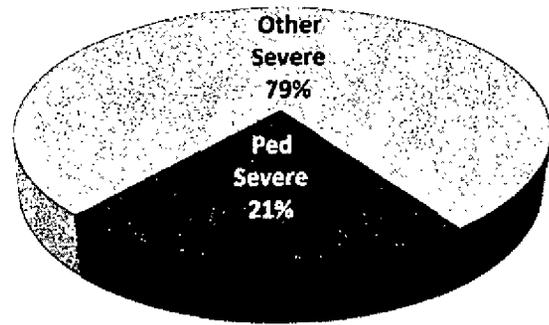
**Percentage of Pedestrian Collisions by Injury**

The Department reviewed the injury classification of pedestrian collisions in comparison with motor vehicle traffic collisions. Not surprisingly, pedestrians are far more likely to be seriously hurt or killed in traffic collisions. While only 5 percent of all collisions involve a pedestrian, approximately a quarter of severe injury traffic collisions and *almost half* of fatal traffic collisions involve pedestrians.

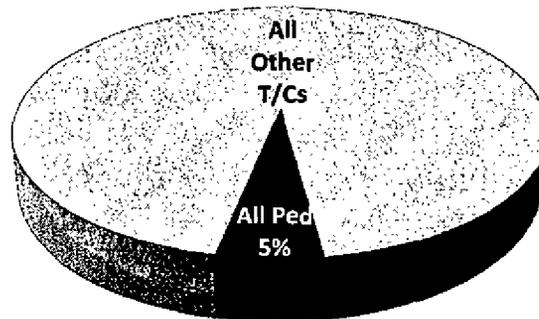
**Fatal Collisions 2010-2014**  
*Pedestrian Compared to M/V*



**Severe Collisions 2010-2014**  
*Pedestrian Compared to M/V*



**All Collisions 2010-2014**  
*Pedestrian Compared to M/V*



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**Citation Issuance, Speed Surveys**

The aforementioned citation analysis revealed that there has been a dramatic decline in citation issuance over the last five years. There was a 29 percent decrease in overall citation issuance from 2010 compared to 2014. The violation that has seen the most dramatic decline is speeding violations, which has declined 68 percent since 2010.

Red light citations have declined by 29 percent. When one factors the elimination of the Photo Red Light program, the decline in red light citations has dramatically fallen by 84 percent. Pedestrian citations have also declined by 25 percent.

The only moving violation to see any significant increase is Section 22101(d) VC, which is an illegal turn made against a sign, such as “no right turn between 7am-9am,” etc. Perhaps officers are diverting their enforcement attention from speeding violations to this violation.

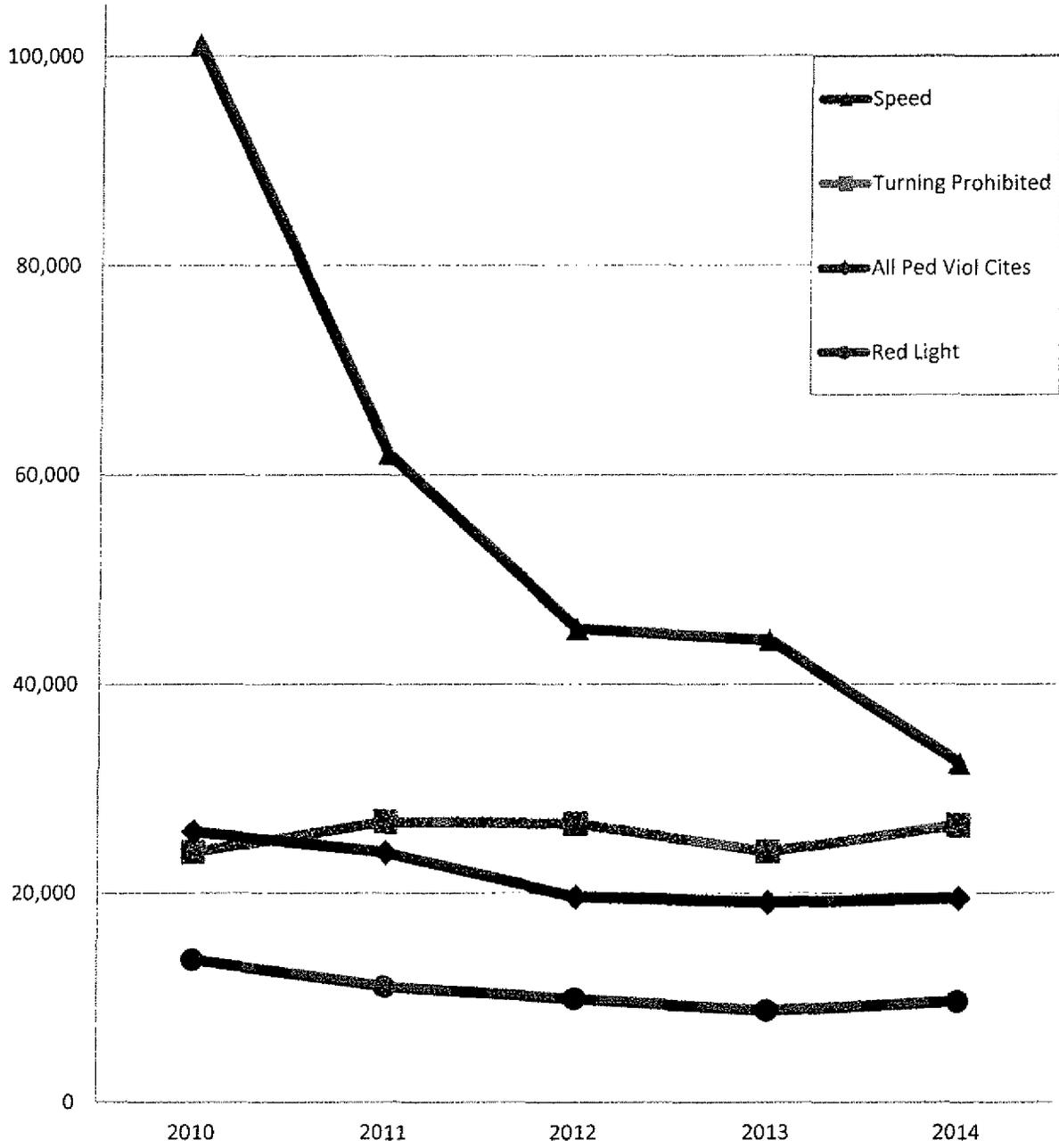
The decrease in speeding citations is likely attributable to the growing number of expired Engineering and Traffic Surveys (ETRS's) which are necessary for Radar and Laser speed enforcement. At the time of this report, there are 487 expired ETRS's citywide, which is over 70 percent of the City's 655 active surveys. The proportion of expired surveys increases every month as attrition exceeds survey completion. In addition, there are many surveys that have been completed, but remain unusable for enforcement as they await the final ordinance process.

The current trend is to allow a survey to expire rather than raise the speed limit in most cases. The Department's opinion, however, is that it is better to have a consistently enforced higher speed limit than no enforcement at all.

On August 25, 2015, Councilmember Englander introduced a motion directing LADOT in consultation with LAPD to report back on potential pilot projects that can be implemented quickly to reduce speeding. The issue of expired surveys will be addressed more fully in that report. See CF#15-1006

**FACT SHEET**  
**FLASHING RED-LIGHT CALIFORNIA VEHICLE CODE SECTION**  
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**Citation Issuance 2010-2014**



**FACT SHEET**  
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**DATA TABLES<sup>i</sup>**

**Traffic Collision Injuries, Pedestrians Compared to Motor Vehicles, 2010-2014<sup>ii</sup>**

	Fatal Collisions			Severe Collisions			Total Collisions		
	Ped Fatal	All Fatal	% Ped	Ped Severe	All Severe	% Ped	All Ped	All T/Cs	% Ped
2010	82	173	47%	157	741	21%	2,357	45,075	5%
2011	74	153	48%	167	808	21%	2,338	45,382	5%
2012	82	184	45%	184	846	22%	2,459	45,381	5%
2013	84	189	44%	172	804	21%	2,481	45,015	6%
2014	79	190	42%	181	821	22%	2,586	46,920	6%
<b>TOTAL</b>	<b>401</b>	<b>889</b>	<b>45%</b>	<b>861</b>	<b>4,020</b>	<b>21%</b>	<b>12,221</b>	<b>227,401</b>	<b>5%</b>

**Pedestrian Collisions and Crosswalk Usage, Fatal and Severe**

	Fatal Pedestrian T/C's		Severe Pedestrian T/C's	
	Fatal (In Crosswalk)	Fatal (Outside Crosswalk)	Severe (In Crosswalk)	Severe (Outside Crosswalk)
2010	26	49	124	139
2011	27	41	96	145
2012	26	50	115	155
2013	34	45	121	156
2014	35	40	117	161
<b>TOTAL</b>	<b>148</b>	<b>225</b>	<b>573</b>	<b>756</b>

**Violations Cited, Committed by Drivers, 2010-2014**

	All Citations, Ped & M/V	All Rules of Road	Speed 22350 VC	Turning Prohibited 22101 VC	Stop Sign 22450 VC	Red Light 21453 VC	M/V vs. Ped Viol <sup>iii</sup>
2010	595,459*	298,783	101,154	23,925	25,881	13,636*	8,771
2011	504,233*	244,058	62,061	26,821	24,374	11,089*	6,259
2012	427,168	197,872	45,325	26,646	20,345	9,914	5,082
2013	423,898	189,321	44,220	23,977	18,279	8,789	5,229
2014	421,850	185,898	32,445	26,506	24,461	9,645	4,566
<b>TOTAL</b>	<b>2,372,608</b>	<b>1,115,932</b>	<b>285,205</b>	<b>127,875</b>	<b>113,340</b>	<b>53,073</b>	<b>29,907</b>

*\*Does NOT include Photo Red Light citations (46,207 in 2010 and 31,281 in 2011, Jan-July)*

**Violations Cited, Committed by Pedestrians, 2010-2014**

	All Citations, Ped & M/V	All Ped Viol <sup>iv</sup>	Ped Starting Against Red Hand 21456 VC	Ped Crossing Between Controls 21955 VC	Ped Out of Crosswalk, Fail to Yield 21954 VC	Ped Unlawfully in the Roadway 21956 VC
2010	595,459*	25,872	11,382	5,883	3,002	2,854
2011	504,233*	23,907	11,138	5,412	2,655	2,444
2012	427,168	19,655	8,052	4,135	3,130	1,964
2013	423,898	19,127	7,427	4,199	3,061	1,927
2014	421,850	19,508	8,244	4,318	2,345	1,883
<b>TOTAL</b>	<b>2,372,608</b>	<b>108,069</b>	<b>46,243</b>	<b>23,947</b>	<b>14,193</b>	<b>11,072</b>

*\*Does NOT include Photo Red Light citations (46,207 in 2010 and 31,281 in 2011, Jan-July)*

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**ENDNOTES**

<sup>i</sup> All citation data was queried from the Los Angeles Superior Court database through the Department's Application Development and Support Division.

<sup>ii</sup> Statistics obtained through the Statewide Integrated Traffic Record System (SWITRS).

<sup>iii</sup> Violations committed by a motor vehicle against a pedestrian. The following sections were included:

- 21950 (a,c d) Driver to Yield Right-of-Way at Crosswalks
- 21951 Overtaking Vehicles Stopped for Pedestrians
- 21952 Failure to Yield Right-of-Way on Sidewalk to Pedestrian
- 21954 (b) Failure of Driver to Exercise Due Care for Safety of Pedestrian on Roadway
- 21963 Blind Pedestrians Right-of-Way
- 21970 (a) Vehicle Stopped Unnecessarily and Blocking Crosswalk or Sidewalk

<sup>iv</sup> Violations committed by a pedestrian. The following sections were included:

- 21106 (b) Use of Crosswalks Where Prohibited by Sign
- 21452 (b) Failure of Pedestrian to Properly Respond to Signal of Yellow Light or Arrow
- 21453 (d) "Red" Signal–Pedestrian Responsibilities
- 21456 (a,b) Pedestrian Violation of "Walk" or "Wait" Signals
- 21461.5 Pedestrian Failure to Obey Signs/Signals
- 21806 (c) Failure to Yield to Emergency Vehicle–Pedestrian
- 21950 (b) Pedestrian Right-of-Way at Crosswalks Regulated
- 21953 Pedestrian Must Use Tunnel or Overhead Crossing
- 21954 (a) Pedestrians Must Yield Right-of-Way Outside of Crosswalks
- 21955 Crossing Between Controlled Intersections (Jaywalking)
- 21956 (a) Pedestrian on Roadway Prohibited
- 21957 Soliciting Ride (Hitchhiking) Prohibited
- 21966 Pedestrian Prohibited in Bicycle Lane
- 23331 Unauthorized Use of Vehicle Crossing–Pedestrians