

***LOS ALAMOS COUNTY  
POLICE DEPARTMENT***



***SPEED CAMERA PROJECT  
ASSESSMENT***

***October 2024***

***Chief of Police Dino  
Sgambellone***

**LOS ALAMOS COUNTY SPEED CAMERA PROJECT ASSESSMENT  
CHIEF D. SGAMBELLONE/OCTOBER 2024**

**OVERVIEW**

In September of 2024, County Manger Anne Laurent directed Chief D. Sgambellone to evaluate the feasibility of a speed camera project for Los Alamos County. Several factors were assessed to include state law and the need for a local ordinance, statistical data and needs assessment, community engagement and Councilmatic action, solicitation of a speed camera vendor, required infrastructure to include staffing/review process/community service partnerships, camera acquisition and placement (to include a potential MOU with DOE for placement along LANL property), signage, form development, and website development.

**STATE LAW (IN PERTINENT PART)**

**Chapter 3 - Municipalities**

**Article 18 - Powers of Municipalities**

**Section 3-18-17 - Nuisances and offenses; regulation or prohibition.**

A municipality, including a home rule municipality that has adopted a charter pursuant to Article 10, Section 6 of the constitution of New Mexico, may by ordinance:

A. define a nuisance, abate a nuisance and impose penalties upon a person who creates or allows a nuisance to exist; provided that:

(1) the total amount of assessed penalties and fines imposed by an ordinance for failure to obey a traffic sign or signal, including a red light offense or violation, or for a speeding offense or violation shall not exceed one hundred dollars (\$100), provided that the total for unlawful parking in a space or for blocking an access intended for persons with significant mobility limitation shall not be less than or exceed the fines provided in Section 66-7-352.5 NMSA 1978;

(2) no fees or costs shall be imposed pursuant to this subsection;

(4) in a municipality other than a municipality with a population of two hundred thousand or greater as of the last federal decennial census, the penalties, fines and procedure imposed for failure to obey a traffic sign or signal, including a red light offense or violation, or for a speeding offense or violation shall be subject to the following:

(a) each month, or other period set by contract, the municipality shall retain from the gross total amount of penalties and fines assessed and collected that month or period an amount subject to audit that is equal to the sum of the setup, maintenance, support and processing services fees charged to the municipality for that month or period pursuant to contractual terms by a vendor

providing systems and services that assist the municipality in imposing penalties or fines as provided in Paragraph (1) of this subsection;

(b) less the retention authorized in Subparagraph (a) of this paragraph: 1) one-half of the net total amount assessed and collected by the municipality pursuant to this section shall be remitted to the state treasurer and distributed to the general fund; and 2) one-half shall be retained by the municipality for municipal traffic safety programs and to offset the municipality's reasonable costs directly related to administering a program as provided in Paragraph (1) of this subsection;

(c) the municipality shall cause an audit of the program and contract described in Subparagraph (a) of this paragraph to be conducted by the state auditor or an independent auditor selected by the state auditor;

(d) if in the audit conducted pursuant to Subparagraph (c) of this paragraph it is determined that any amount retained by the municipality pursuant to this paragraph is in excess of the amount the municipality is authorized to retain, the municipality shall remit, when the audit is finalized, the amount in excess to the state treasurer to be distributed and transferred as provided in Item 1) of Subparagraph (b) of this paragraph; and

(e) a hearing provided for a contested nuisance ordinance offense or violation shall be conducted by a hearing officer appointed by the presiding judge of the civil division of the district court with jurisdiction over the municipality and in accordance with the rules of evidence and rules of civil procedure for the district courts. If offered by the municipality, a respondent may select a hearing conducted by a mail-in form alternative. The notice of violation shall clearly explain the process for requesting a hearing, the hearing options, the deadline to request a hearing and where the request shall be submitted. The burden of proof for violations is on the municipality and is a preponderance of the evidence. A determination by the hearing officer shall not impose a total amount of penalties or fines in excess of that provided in the nuisance ordinance;

History: 1953 Comp., § 14-17-14, enacted by Laws 1965, ch. 300; 2008, ch. 91, § 1; 2009, ch. 121, § 1; 2023, ch. 192, § 1.

## **ALBUQUERQUE MUNICIPAL ORDINANCE AND ASSOCIATED REGULATION**

See Appendix A.

## **LAS CRUCES ORDINANCE**

See Appendix B.

## **LEGAL ASSESSMENT**

State law allows for municipalities to create a nuisance ordinance for speeding violations. The Ordinance may impose a fine not to exceed \$100 per offense. Several conditions are set forth in

state law to include an audit process (including a remission of a portion of fines collected to the state), limitations on what a municipality can spend any accumulated revenue on, a hearing process to include a hearing officer (the hearing officer is appointed by the presiding judge of the civil division of the district court with jurisdiction over the municipality and in accordance with the rules of evidence and rules of civil procedure for the district courts) and the burden of proof (on the municipality and is a preponderance of the evidence).

Local ordinances from Albuquerque and Las Cruces (attached in Appendix A and Appendix B) outline the intent and process for a speed camera program under nuisance abatement. Specifically, the Las Cruces ordinance states,

“The governing body finds that some drivers in the city repeatedly violate posted speed limits. The governing body finds that state law against speeding does not prevent the city from having provisions in its ordinance to provide for public safety on its streets. The governing body finds that implementation of enforcement of speed limits by means of photographic and electronic equipment will abate the nuisance of speeding.

The governing body declares that this article is a nuisance abatement article enacted pursuant to the city's inherent authority under state law and that the remedies are purely civil and not criminal in nature.”

Additional elements of the ordinance include definitions, violation, enforcement (requiring a police officer to review the evidence), notification and delivery, response (required within 35 days), payment, appeal, nomination (when someone other than the registered owner is alleged to have been driving), defaults, hearing, defenses, fines, administration, and severability.

Albuquerque code provides that, “If the registered owner is in default for two (2) or more ASE system fines, the registered owner may be subject to enforceable penalties including but not limited to a parking citation, immobilization, and/or impoundment of their vehicle if their vehicle is found to be parked on any street or roadway within the city; on or in any City-owned parking facility; on or in any City-managed parking facility; or on any other City-owned real property within the city limits (8-5-1-43 ROA 1994).”

## **NEEDS ASSESSEMENT AND STATISTICAL ANALYSIS**

### **Accidents**

In Los Alamos County (and contiguous areas covered by an MOU where the Los Alamos Police Department (LAPD) responds to accidents), over 1300 accidents have occurred since December of 2016. These accidents include 925 accidents where the damage was more than \$500, 110 with damage below \$500, 263 injury accidents (representing 20% of the total), and 6 fatalities.

<b>Count of Severity</b>										<b>Grand Total</b>
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	
Damage \$500 or more	1	128	150	136	101	77	116	110	106	925
Damage under \$500	1	11	17	16	8	13	9	21	14	110
Fatal				1		3			2	6
Injury		28	23	27	23	40	43	51	28	263
<b>Grand Total</b>	<b>2</b>	<b>167</b>	<b>190</b>	<b>180</b>	<b>132</b>	<b>133</b>	<b>168</b>	<b>182</b>	<b>150</b>	<b>1304</b>

An analysis (see attachment C) of the top 10 accident locations in Los Alamos by angle of impact is as follows:

	<b>Front-to-Front</b> (ex. Head-on)	<b>Front-to-Rear</b>	<b>Front-to-Side</b> (ex. T-bone, Angle)	<b>Other</b>	<b>Rear-to-Rear</b>	<b>Rear-to-Side</b>	<b>Sideswipe</b>	<b>Total</b>
Diamond Drive	6	31	37	2	1	1	8	86
Trinity Drive	3	27	26	2	2	1	8	69
NM 502 East Rd	3	16	8		1		8	36
East Jemez Rd	2	12	4	2	1		4	25
Central Ave	1	5	10	2			6	24
NM 4	1	14	4	2	1		1	23
Pajarito Rd		11	3	1				15
Canyon Rd	2	5	2	2	1		3	15
San Ildefonso Rd	1	6	2					9
Knecht St		1	6				1	8
<b>Total</b>	<b>19</b>	<b>128</b>	<b>102</b>	<b>13</b>	<b>7</b>	<b>2</b>	<b>39</b>	

### Citations and Warnings

Since 2019, Los Alamos Police Officers have written 5940 speeding citations which averages nearly 1200 per year. Additionally, several thousand warning citations have been issued during this timeframe with nearly 1500 warnings written in 2023 alone (for speed and other traffic violations).

Row Labels	2018	2019	2020	2021	2022	2023	2024	Grand Total
<b>Careless Driving</b>								
Accident OHV		26	30	18	13	17	10	114
OHV		5	1			2		8
(Blank)	3	20	21	33	29	10	10	126
<b>Careless Driving Total</b>	<b>3</b>	<b>51</b>	<b>52</b>	<b>51</b>	<b>42</b>	<b>29</b>	<b>20</b>	<b>248</b>
<b>Failure to Obey</b>								
Accident		3	1		3	8	1	16
(blank)								167
(blank)		21	12	42	54	23	15	
<b>Failure to Obey Total</b>		<b>24</b>	<b>13</b>	<b>42</b>	<b>57</b>	<b>31</b>	<b>16</b>	<b>183</b>
<b>Failure to Stop/Yield</b>								
Accident			1	1		1	2	5
(blank)			1					448
(blank)	4	68	84	54	69	55	114	448
<b>Failure to Stop/Yield Total</b>	<b>4</b>	<b>68</b>	<b>85</b>	<b>55</b>	<b>69</b>	<b>56</b>	<b>116</b>	<b>453</b>
<b>Following Too Closely</b>								
Accident								52
1	1	10	6		8	16	11	62
(blank)		16	10	8	11	12	5	
<b>Following Too Closely Total</b>	<b>1</b>	<b>26</b>	<b>16</b>	<b>8</b>	<b>19</b>	<b>28</b>	<b>16</b>	<b>114</b>
<b>Speed</b>								
01-02 Over SCHOOL ZONE		2	2	1			4	9
01-10 Over	6	97	133	247	185	76	102	846
06-10 Over	13	224	437	188	174	132	165	1333
06-10 Over			1					1
06-10 Over ENHANCED		11				3		14
06-10 Over SCHOOL ZONE		4	1	1	5	1	3	15
11-15 Over	9	329	347	531	340	300	281	2137
16-20 Over	3	106	87	197	98	164	65	720
21-25 Over		22	16	48	26	27	25	164
21-25 Over Construction		2	1			31	2	36
21-25 Over ENHANCED		1	1				1	3
21-25 Over SAFETY CORRIDOR				7		2		9
21-25 Over SCHOOL ZONE		1	1	1	1			4
(blank)	6	191	54	80	90	97	131	649
<b>Speed Total</b>	<b>37</b>	<b>990</b>	<b>1081</b>	<b>1301</b>	<b>919</b>	<b>833</b>	<b>779</b>	<b>5940</b>
<b>Grand Total</b>	<b>45</b>	<b>1159</b>	<b>1247</b>	<b>1457</b>	<b>1106</b>	<b>977</b>	<b>947</b>	<b>6938</b>

## Research

A recent study by the International Transport Forum (ITF, 2018), confirmed evidence of multiple previous studies that an increase in mean speed was accompanied by a higher number of crashes and casualties, while a decrease was associated with fewer crashes and casualties. Accordingly, every 1% increase in average speed results in a 2% increase in all injury crashes, a 3% rise in fatal and severe crashes and 4% more fatal crashes (see attachment D).

According to the Albuquerque Project Manager, the incidence of dangerous speeding has been reduced by over 80% in their studies as measured by the number of vehicles travelling 10+, 20+, 30+, and 40+ MPH over the speed limit. The evidence of the ITF study is important to the Los Alamos community as it suggests that the outcome of any accident, regardless of causative factors, can be positively impacted in severity through a decrease in speed.

The Los Alamos Police Department has long recognized that enforcement alone cannot adequately address traffic behaviors of the motoring public. To that end, LAPD has engaged in numerous preventative initiatives to include Safety Town, partnering with the Los Alamos Public Schools on Driver's Education training, partnering with and providing information and feedback to the Los Alamos Transportation Board, the NM Department of Transportation, and Los Alamos County Traffic Division, and partnering with the Los Alamos Municipal Court for Teen Court. Additionally, LAPD has proactively engaged the public through educational press releases, informing the public on hazardous road conditions, timely reports on the recognition of patterns and trends, pedestrian and bicycle safety, road rage, school zone and bus stop safety, and driving under the influence.

Los Alamos County Senior Management also works as a team with Public Works to identify and offer solutions to traffic related concerns including paid consultants on traffic engineering matters, the placement of mobile and fixed signage (including speed signage), planning, traffic data analysis, defensive driver's training, and emergency management regarding inclement weather conditions (in partnership with LANL and LAPS).

While it is difficult to assess how these educational and preventative measures have impacted traffic safety, it remains clear that additional strategies need to be examined to include the use of automated speed detection cameras.

## **COMMUNITY ENGAGEMENT AND COUNCILMATIC ACTION**

Los Alamos has benefited from an engaged citizenry, and it is expected citizens will provide significant feedback on automated speed cameras to Council. Numerous citizens regularly contact the Police Department (as well as the County Manager's Office and Council) about traffic related concerns in writing, via email, in person, and through phone calls.

In speaking with the project manager for Albuquerque's Automated Speed Enforcement Program, he stated the community largely supports the program and regularly contacts his office for

camera placement in various areas of the city. While red light cameras were not well received (and are no longer in use in the City of Albuquerque), public feedback on the automated speed camera project has been positive.

If Council votes to proceed with the project, a Los Alamos County Ordinance would need to be passed. The Las Cruces Ordinance is well written, covers the required areas as outlined in NM State Statute, and provides a solid framework for a Los Alamos County Ordinance. Once passed, several elements of the project could then be worked on, as follows.

### **SOLICITATION OF A SPEED CAMERA VENDOR AND COST**

The City of Albuquerque recently went through an RFP process and selected a new vendor. Los Alamos County Procurement has advised Los Alamos could piggyback on this RFP and select the same vendor. If Los Alamos chose not to piggyback on Albuquerque's RFP, we would follow our procurement code to select a new vendor.

In reviewing Albuquerque's vendor, it appears Los Alamos could save money and benefit from a two-way camera system offered by the company. It also appears the company can provide an appropriate level of support to meet the County's goals within an effective speed reduction program.

The cost in the RFP response of the selected vendor chosen by the City of Albuquerque is \$4,095 per camera (including the bi-directional cameras) per month. It is important to note the vendor's fee is not based on the volume of citations. Rather, it is a fixed fee that is not an incentivized violation.

This vendor also offers collections support which is quoted at 25% of all collections received after the second notice. While a cost-benefit analysis has not been conducted on this support, it is likely a less expensive alternative to hiring additional staff. The company also provides training, calibration, expert testimony, and data analysis. Albuquerque's project manager stated about 45% pay the fee within the allotted time. He also stated the collections process does not impact a person's credit score.

Of note, it is anticipated that the effectiveness of the program would include the use of fixed and mobile cameras. Mobile cameras offer a unique solution to fixed cameras where the driver's become aware of the fixed camera locations and speed up once they pass them. With a mobile solution, drivers would not be able to alter their speed to avoid a violation in the same way they would be able to with a fixed camera location. Additionally, a mobile solution would potentially allow for flexibility in neighborhoods and other areas needing attention based on citizen complaints. The City of Albuquerque no longer utilizes mobile solutions due to vandalism of the units. However, it is anticipated Los Alamos would not see a similar amount of vandalism depending upon placement, i.e. on LANL property.



## **REQUIRED INFRASTRUCTURE**

### **Estimated Staffing**

It is difficult to assess staffing levels that are required in comparison to larger cities with existing programs, as larger cities have more internal resources than smaller communities. Additionally, the dynamics of the motoring public, i.e. volume, geographic isolation, commuter traffic etc., are unique in any given community. Organizationally, the County may want to consider this program to reside as its own division under a current County department.

Having said that, a Program Manager would be a crucial position required to ensure the overall effectiveness of a speed camera program. The program manager would be responsible for the overall program to include the community service platform, website maintenance, and overall operational support.

At least one police officer would be required to review each passing event that is flagged for review and citation issuance. This could require more than one position depending upon volume, which is an unknown. The Albuquerque Program Manager describes this position as the most time and personnel-intensive aspect of the program. Each passing event clip is several seconds long and the navigation between citations takes several seconds in the citation database. In many instances, issuing the citation may require several reviews of the passing event. Depending upon the volume, this officer (or officers) could potentially be utilized as dedicated traffic enforcement officers who would have the additional tasks of accident investigation and traffic enforcement, thereby enhancing current traffic safety efforts.

Albuquerque utilizes the City Clerk for hearing officers and administrative support for processing/scheduling. Approximately 1% of Albuquerque's citations go to a hearing. Again, depending upon volume, at a minimum this would require a hearing officer and an administrative support position. Since a County Clerk is different from a City Clerk, and there is no specific mention in State Law that requires this function to be under a Clerk's office, this could be incorporated under the new division and outside the normal function of the County Clerk's Office.

Albuquerque's parking division receives payments for citations. The parking division is also responsible for enforcement for vehicles they observed parked that have 2 or more citations assigned to collections (default). It is anticipated that dedicated traffic safety police officers could handle the default responsibilities, and a member of finance dedicated to the new division would handle payment receipts.

Our selected vendor could be utilized for maintenance and calibration, operation of the camera systems, and collections. Some interdepartmental requests such as signage and other support for on-the-ground operations could be absorbed with existing staff as the impact on other departments is anticipated to be minimal.

In summary, (1) program manager, (2) police officers, (1) hearing officer, (1) hearing officer admin support, and (1) finance admin, for a total of (6) new positions. Again, this number is an estimate and may need to be re-assessed depending upon volume. Also, at least a portion of personnel costs would be offset by revenues collected.

### **Review Process**

If a Los Alamos ordinance is adopted that is similar to the Las Cruces ordinance, the following process would be substantively established. Elements of the below listed process could change depending upon contractual language established within the vendor contract to include ancillary duties of the vendor such as managing collections.

The contractor shall provide all evidence of a recorded violation to a police officer. A police officer shall review all evidence provided by the contractor. If the police officer determines that a violation has occurred, the police officer shall cause a fine notification to be delivered to the registered owner.

The fine notification shall be delivered to the address of the registered owner according to the address registered with the department of motor vehicles or to the address of the nominee according to the owner's affidavit. The fine notification shall state and contain the name of the registered owner or owners or nominee, the effective date of the fine notification, the type of violation, the date, time and location of the violation, a picture of the violation, the license number of the vehicle, the name and identification of the issuing police officer, the amount of the fine, whether the fine is a first or subsequent offense, the response due date and the address of the department. The fine notification shall conspicuously and in bold face type state; "Failure to pay this fine on time will lead to serious legal consequences and the assessment of the costs of collections including service of process fees, court costs, and reasonable attorney fees." The fine notification shall include an owner's affidavit form. The fine notification shall contain a return envelope addressed to the contractor or the department. The fine notification shall inform the registered owner or the nominee of the right to request a hearing by so indicating in a space provided on the form and returning same to the department.

Within 35 days from the effective date, the registered owner shall pay the fine, file an owner's affidavit making a nomination, or request a hearing. To pay the fine, the recipient shall deliver the fine notification with payment to the city or to the contractor according to the instructions on the fine notification. To make a nomination, the recipient shall return the fine notification with a completed owner's affidavit to the contractor. To request a hearing, the recipient shall return the fine notification with the request for hearing to the department. Three days for mailing is not allowed and the response shall be actually received no later than 35 consecutive days (including holidays) from the effective date. The department shall forthwith notify the contractor concerning the receipt of a request for hearing. If the fine has not been paid, there has been no nomination or a request for a hearing within 35 days from the effective date, the contractor shall send written notice of default to the department and the registered owner or nominee or both.

Upon receipt of the fine notification, the recipient may elect to admit the violation and pay the fine. To proceed under this section, the recipient shall admit the violation by signing and dating the fine notification on a space provided and returning the fine notification with payment to the contractor or to the city within 35 days. The county may, but is not required to, adopt procedures for alternative methods of payment of fines using the internet or other on-line services. There shall be a \$50.00 penalty for any payment tendered that is not honored or is returned for any reason.

### **Community Service Partnership**

State law requires a community service option for offenders. The Los Alamos Project Manager would need to coordinate with entities (which could be internal to county operations or external) to outline a process for those wishing to provide community service in lieu of a fine.

Some thought is required with reference to the individual's status as a volunteer. While there is a substantial process established for formal volunteerism within a county department, Albuquerque, for example, utilizes a streamlined process for volunteerism under this program. It is recommended that Los Alamos adopt a similar strategy if we move forward on this program.

Additionally, website development allows for citizens to sign up on-line for community service slots. A process is also required to verify compliance.

### **CAMERA TYPE ACQUISITION AND PLACEMENT**

As stated above, the County may be able to save considerable time if we can piggyback on an existing RFP for the acquisition of cameras. It would be beneficial to contract with a vendor that can offer both fixed and mobile solutions.

Camera placement would be dependent upon three factors. First, our historical knowledge of problem areas that are currently being addressed by officer-based enforcement activity. Our current Operation Safe Driving is designed to focus on serious violations such as DWI, speeding, distracted driving and school zone safety. The goal is to enhance traffic safety, enforce traffic laws and minimize traffic crashes during the transition from summer to winter. Of note, cameras would not be able to be placed outside of Los Alamos County under this program.

Secondly, camera placement would be based on data analysis, as shown above. The acquisition of a new CAD/RMS system is expected to allow for enhanced data analysis. In the meantime, crash data will be utilized to place cameras, both fixed and mobile cameras in crash intensive locations.

Lastly, mobile camera solutions can be utilized to address neighborhood specific traffic safety concerns. While vandalism of these units is a concern, it is an unknown outcome that will need to be assessed once cameras are deployed.

## **FORM DEVELOPMENT**

Several forms need to be developed to support a speed camera program. These include, but may not be limited to, an owner's affidavit, hearing request, appeal request, payment plan request, community service request and verification, and fine notices.

## **WEBSITE DEVELOPMENT**

The City of Albuquerque maintains an exceptional website dedicated to informing the public about the program. The site includes information on camera placement, and identifies the processes associated with maintaining the program to include how the cameras work, how cameras are calibrated, the review process, how drivers are notified of a fine, how much the citations are and how to pay them, community service options, hearings and appeals, default status and default outcomes, and what is done with the revenue collected.

It is recommended that at a minimum, annual data on such things as citations issued, revenue received, revenue-based outcomes, community service hours, and program effectiveness be published on the site. Additionally, it would be helpful to the community to have a web-based system in place to request mobile cameras in problem areas.

## **SUMMARY AND RECOMMENDATION**

According to the Albuquerque Project Manager, the incidence of dangerous speeding has been reduced by over 80% in their studies as measured by the number of vehicles travelling 10+, 20+, 30+, and 40+ MPH over the speed limit. Research indicates significant outcomes with speed reduction.

A speed camera program can be implemented in Los Alamos County to enhance our current traffic safety strategies through a nuisance abatement ordinance. Significant infrastructure would be required to ensure the program is run in a fair, transparent, and efficient manner. At least a portion of costs associated with maintaining the program would be offset by revenues collected. Depending on the volume of revenue received, other traffic safety programming efforts could be evaluated.

My recommendation is that Council approve the development of a speed camera program in Los Alamos.

Chief D. Sgambellone/October 2024