

NEWS

Fayetteville ends its red-light camera program, no additional violations being issued



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The city of Fayetteville has shut down its Red Light Safety Camera Program, as legal issues mount around the state for the few cities in North Carolina that still operate the cameras.

A lawyer representing a Fayetteville driver said on Wednesday he still intends to go forward with a lawsuit in pursuit of refunds to all of those who paid fines under the program.

The red light cameras, in operation since 2015, took pictures of the license plates of drivers who ran through red lights. Notices with \$100 fines were mailed out to the registered owners. Between 14,400 and 18,000 tickets were issued each year in Fayetteville, according to Jodi Phelps, the city's chief of staff.

“The contract with the red light camera vendor expired earlier this fall, and given the questions that currently exist around the program, the vendor opted not to renew at this time,” Phelps said in response to emailed questions.

She said no additional red light violations are being issued through the program.

“The ‘photo enforced’ signs are being removed from all locations along with equipment,” she said.

The red-light tickets are a civil violation that is not reported to state agencies and should not affect a driver's insurance or registration records. Money raised must be earmarked for local systems, under state law.

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In fiscal year 2021, Fayetteville's program generated more than \$2.1 million in revenue, which was given to Cumberland County Schools, according to Phelps.

But the cameras have inspired several different lawsuits in North Carolina, alleging violations of the state constitution. A website, Red Light Robber, encourages drivers to resist the fines and become plaintiffs in lawsuits against the cameras.

The Greenville city council voted last week to end its red-light camera program, which shut down for good on Tuesday. The state Court of Appeals ruled in March that the program violated the state constitution because not enough revenue from the program went to the school system.

Other lawsuits allege the cameras in Greenville and Wilmington run afoul of Article II, Section 24 of the North Carolina Constitution. That section prohibits the state legislature from enacting any local, private or special act related to health, sanitation and the abatement of nuisances.

The N.C. General Assembly granted Greenville and Wilmington, plus Fayetteville, Charlotte and Raleigh, the right to operate the programs. Now, out of more than 500 towns and cities in the state, only Raleigh and Wilmington still operate the cameras.

Paul Stam, a lawyer and former Republican leader in the N.C. General Assembly, represented plaintiffs in the Greenville lawsuit. His Apex-based law firm in July filed suit against Wilmington.

Stam said his firm was representing a Fayetteville woman who had been through the administrative process to appeal her ticket.

"I believe we were going to file a suit this week," he said.

He said the Stam Law Firm had been in litigation against Greenville for six years.

"Greenville's was explicitly modeled on the Fayetteville program," he said.

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Schools impacted

Lindsay Whitley, spokesperson for Cumberland County Schools, said the system had made adjustments to cover the loss of funds due to the red-light program ending.

“We used funds generated from the red-light camera program as part of our local general fund,” he said by email. “This year, after learning that the red-light camera program was ending, we used our district’s fund balance to cover expenses.

“Next year, as part of our budget planning process, we will make the appropriate cuts for the loss of annual funding from the red-light camera program.”

The Fayetteville red-light program comprised 14 cameras at 12 intersections, including some of the city’s busiest, such as Skibo and Morganton roads. Verra Mobility, an Arizona-based vendor, operated the program.

The program was funded by the “violators that receive citations,” according to information on the city’s website.

“The first Notice of Violation is \$100.00, of which, \$35.00 is the cost of the program,” the website states. “ All funding is remitted to the Cumberland County School System through an interlocal agreement with the City of Fayetteville.”

In October 2020, City Council members learned in an administrative report that accidents had increased at intersections that had red-light cameras. Some members speculated the accidents would be even higher had the cameras not been there.

The report also cited figures that showed people who received tickets due to red-light cameras were less likely to incur another ticket in the future.

Fayetteville's discontinued red-light program ends the city’s second foray into installing such cameras. The city ended its first program in 2007 also because of potential legal issues.

Asked if ending the program would shift more of a burden onto Fayetteville Police Department officers, Phelps responded in her statement: “FPD does not rely on the red light cameras for enforcement of this traffic violation throughout the City and will continue to enforce existing laws, including at locations where cameras were located.”

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