

Brian Ceccarelli

From: David.Spencer@townofcary.org
Sent: Wednesday, April 21, 2010 12:04 PM
To: brianc@talusmusic.com
Cc: brad.hudson@townofcary.org; brianc@talusmusic.com; Chris.Davis@TownofCary.org; Mike.Bajorek@TownofCary.org; pat.bazemore@townofcary.org; tim.bailey@townofcary.org
Subject: Re: Re: Cary Town Blvd & Convention -- Red Light Camera Illegal Operation

Good afternoon Mr. Ceccarelli,

Thank you for your patience as we work through these matters. Please understand that standards do change over time and clearance time calculations, in particular, have change several times in the past decade. As a result, changes to clearance times for signals are consider when modifications to signal plans are performed. We have discussed the issue of the yellow time formula amongst other traffic engineers that have significant experience with this topic to gain some additional perspective on the basis for the calculations and if it is accurate. Engineers and researchers from NC State University have advised us that the yellow time formula is correct and that significant research has been done over the past several decades on this topic to ensure we, as engineers, provide a safe travel network for motorists. We would like to not debate the formula itself and will accept the current yellow time calculation as an acceptable standard.

Additionally, we have checked on the clearance times from some of the other intersection you mentioned and we do feel comfortable with those times. Thank you for your dedication to this topic and if there is anything further the Engineering Department can provide you with, please let me know.

Thank you,

David H. Spencer, PE
Traffic Engineer
Engineering Department
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Town of Cary
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brianc@talusmusic.com

03/19/2010 04:58 PM

Please respond to
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To <brianc@talusmusic.com>, <David.Spencer@townofcary.org>
cc <brad.hudson@townofcary.org>, <Chris.Davis@TownofCary.org>,
<Mike.Bajorek@TownofCary.org>, <pat.bazemore@townofcary.org>,
<tim.bailey@townofcary.org>

Subject Re: Re: Cary Town Blvd & Convention -- Red Light Camera Illegal Operation

Dear Mr. Spencer,

I thank you for replying. Believe it or not, your response restores my faith in the Town of Cary. I am easily pleased.

Please remember, I very much wish to be a friend of the Town of Cary. I have no interest in being Cary's enemy, or anyone's enemy for that matter. I hate lawyers. I hate lawsuits. If I can avoid them, life is good.

I want you, the Town of Cary, to realize a fantastic opportunity. You guys can be the world's heroes. The whole world suffers from the same physics problem initiated in 1965 by the Institute of Traffic Engineers. This physics problem is literally killing people. The physics problem also makes it profitable for municipalities to operate red light cameras. There's the temptation. If the Town of Cary believes that saving lives is more important than money, admit to being ignorant of the physics error (like everyone else), and take on the financial sacrifice, you will be heroes. Make that motive public. Talk to Renee Chou WRAL-TV--she'll help you. Who knows, such a move may evoke sympathy from all the people that got robbed by you over the past few years. They simply might forgive the Town of Cary the refund due them. That noble motive, the right thing to do, of sacrificing a known cash cow on behalf of the people will immortalize the Town of Cary in the eyes of every citizen of the world. The world will gasp. You can point out the physics problems yourself, and the world will be stunned.

Granted, the NCDOT has indeed added their own variety of problems. They increased the speed limit on roads without adjusting the yellow light interval to match (Cary Town and Convention) and made the mistake of setting the yellow light interval on independent left turn phases to the all-red clearance interval. That switch-a-roo is most likely the reason behind the short left yellows (Article by Greg Fuller, NCDOT Signals Division Manager in the ITE's Journal). The NCDOT also forgets to sign and seal their signal plans (NW Maynard Rd & Chapel Hill Rd--NB, Maynard and Walnut St--SB) which is a problem under SL2004-141 (\$130,000 taken).

A final point on "signed and sealed signal plans." Several months ago, it was you David who pointed out that yellow durations are only now subject to a signed and sealed traffic signal plan (SL2004-141) and no longer the NC Design Manual (SL2001-386, Cary Town Charter 8.15). The NC Design Manual specifically states the yellow light equation, but SL2004-141 doesn't mention that manual. You may have thought that meant that the Town of Cary was off the hook.

Well, a "signed and sealed signal plan" does not get the Town of Cary off the hook. At my January hearing with the Red Light Camera panel, I gave that panel the NCDOT Signal Guidelines document which points out that a "signed and sealed" signal plan guarantees that the traffic signal abides by 8 different manuals. One of those manuals is that very same NC Design Manual with the yellow light equation. So all the traffic lights are still subject to the NC Design Manual and its yellow light equation.

Folks, in the end, why am I chasing the rabbit?

1. You flashed me once before at a broken light. That primed me. 3 years ago. For 2 weeks while you added a left lane to WB Maynard at Kildaire Farms, the left green signal was only long enough to let 1 car pass. Cars were back up to Barnes and Noble. When cars finally got to the intersection, 10 of us would roll through despite the red. That camera flashed us all. I paid the stupid citation.

2. And now in November 2009, you flashed me again at what is again an obviously broken light. "My God that was one fast yellow." This one was a call to action.

3. You flashed a physicist. I know the Laws of Motion.

4. You flashed a physicist that once had the NCDOT as his client. I know those guys enough to never trust them.

And you should not trust them either. I have chased this rabbit far. The farther I chase, the uglier the rabbit gets. I have found out stuff that would make your lips curl. Here's one small sampling. Did you know that the current Traffic Engineer Handbook (6th edition, p. 412) actually recommends engineers to shorten some yellow lights such that cars have to choose but to run red lights? Yes. I tell you the truth. It tells DOTs that it is okay to shorten the yellow lights as long as cars still have the time to cross the intersection on the all-red interval. I am not kidding. They intentionally tell engineers that a red light is just an extension of a yellow light. And DOTs listen to this.

I showed that one to my lawyer. My lawyer said, "That would be a legal problem."

Question your sources. .

Brian

815-0126 (cell)

On Fri 19/03/10 12:49 PM , David.Spencer@townofcary.org sent:

Good afternoon Mr. Ceccarelli,

Thank you for contacting us again about the red light cameras. Given this issue involves many departments within the Town of Cary, we would like to take the time to discuss and provide you with a formal response.

Thank you and have a good weekend.

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"Brian Ceccarelli"

03/17/2010 09:04 AM

To , , , , ,
cc

Subject Cary Town Blvd & Convention -- Red Light Camera Illegal Operation

Please respond to

Dear Town of Cary,

You probably remember who I am. Brad Hudson convicted me of running the red light at Cary Town Blvd and Convention at my January 2010 red light camera hearing. Others of you know me by e-mail. You have sent me citation statistics and traffic signal plans. Others I have talked to over the phone, like David Spencer, who was kind enough to explain the reason behind the new blinking left turn yellows.

I am going to bring this up to you one last time—outside of court.

At my red light camera hearing in January, I pointed out to the panel that the yellow duration at this intersection is under the minimum required by law. I brought all the documents proving it. That being so, the implication is that the Town of Cary was operating the red light camera illegally for years.

Now some of you, like Mike Bajorek, already knew that the yellow lights were short, and presumptuously claimed that the short yellows meet “new” NCDOT standards. Well, I knew then, and I know now, that those NCDOT standards haven’t changed in decades.

I also want you to know that I am aware of what happened at the intersection of Cary Town Blvd and Convention on Monday, 3/15/2010. The NCDOT (or you) was out at Cary Town Blvd and Convention working on the light. On the following day, Tuesday, March 16, 2010, I went to the intersection and timed the yellow duration. They increased the yellow duration to the minimum “standard” of 4.5s as required by the red light camera laws SL2001-286, SL2004-141 and the Cary Town Charter Section 8.15. Before today, the yellow was set to 4.0s. That duration made it illegal for Cary to operate a red light camera.

The DOT corrected their problem.

You have 1 other red light camera intersection which still violates these laws. (Kildaire Farm Rd @ Maynard SB) It is illegal for you to operate that red light camera.

You had 1 intersection (High House and Prestonwood Drive (WB) that you fixed in Oct 2006. It was illegal for you to operate that camera prior to Oct 2006.

You realize that all the money you took from these intersections over the years, you have taken illegally. You have been violating SL2001-286, SL2004-141 and your own City Charter 8.15.. By the camera statistics that Chris Davis gave me, you owe refunds of about \$1.2 million dollars just for these 3 intersections (since 2004).

I have already warned you several times about these problems. I have given you the chance to do the honorable thing. You have blown me off 6 times. Here comes the 7th chance to settle of court.

You guys could be heroes. You guys can admit the problems at these lights and look honest to the public. It will be painful financially for you, but you could be heroes and set an example for the world. For the whole world is making these same mistakes, and perhaps, just as oblivious to the problems as seemed to be. You can take the lead.

To prevent the lawsuit from arriving, you can still do the right thing. Let me spell it out to you.

1. Refund all the money you have stolen. That’s about \$6 million dollars so far.

2. Shutdown all your cameras for now. (I am not against red light cameras, for they pointed out the biggest menace to public safety: the NCDOT.)
3. Keep them shutdown until the NCDOT sets them correctly. That'll take them years.
4. Force the NCDOT to be accountable. Check their math. You have based Cary's financial solvency on the math ability of the NCDOT. That should scare you.
5. Notify Renee Chou at WRAL-TV about what you are going to do. Make a public apology.
6. Pay me my hourly rate for the time I have put in chasing down these problems. (This job was supposed to be yours.)
7. And if you do, I will withhold the lawsuit. But as surely as the sun burns, the lawsuit gestates.

And by the way, it is not just these 3 intersections which violate North Carolina law. All of your intersections violate the law—for different but equally horrible reasons.

The state and federal specs have legally condemning problems themselves. All the left turn yellow duration times are set by an arbitrary and capricious whim of the NCDOT which violates the laws of physics. That whim allows the DOT to treat a 45 mph car as if it has the same momentum as a 20 mph car. A contradiction of the laws of physics. Such a violation of the laws of nature invokes the "King Canute" ruling. The King Canute ruling states that any legislation which violates the Laws of Nature is null and void. The left turn yellow durations are based on a null and void spec; and so the legality of red light cameras operating based on that spec is also null and void. Such resulting short yellows, by the immutable Laws of Nature, force people to run red lights. Your biggest money maker, Walnut and Meeting Place, fails with this problem. All your other separate phased yellows also fail this point. You cannot set a different yellow duration just because the car is in the left lane. The speed limit in the left lane is the same as the other lanes. People can go the speed limit in the left lane – and do.

The short left turn yellows and the miscomputed yellow durations count for all but 3 of your intersections. But those remaining three also have legal problem, a problem which all the traffic lights in the State have.

The equation the NCDOT uses to set their yellow light equation is wrong. It has an error in it. A very bad physics error. It is obvious that the people who use or justify this equation never took a physics class. That erroneous yellow light equation cuts the yellow interval by about 40% of the required time as by Newton's Laws of Motion. And thus, they do not allow enough time for a car, in the dilemma zone, to stop. The mistake results in yet another violation of the Laws of Nature. The King Canute ruling applies again. For 45 years, nobody has bothered to check the math.

I suggest you take me seriously. I strongly recommend that you do not trust the NCDOT. Contrary to the verdict letter you sent me, the NCDOT does not abide by "national, state and local standards." They don't even abide by the laws of physics.

I have talked to David Spencer over the phone once, though he probably does not remember. He seems to be a smart guy. Let him do the physics. He will see.

Here are the details: <http://redlightrobber.com>

If you want to me to come over for a talk, just say the word.

This issue is a public safety problem more than it is a money-grabbing problem. By screwing up the laws of motion, the NCDOT is literally forcing cars to run red lights, causing accidents and killing people. As the Town of Cary, you are making money on every driver who cannot miraculously circumvent the laws of motion. In the end, the Town of Cary by adopting Cary Town Charter 8.15, elevated a "false" spec to law, and has become culpable for the mistakes of physics-challenged engineers.

Brian Ceccarelli

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