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Assembly California Legislature



TOM AMMIANO
ASSEMBLYMEMBER, THIRTEENTH DISTRICT

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January 7, 2011

Susan Lee
Supervising Deputy Attorney General
Opinion Unit
California Attorney General's Office
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

Dear Ms. Lee:

I am submitting this request to seek your office's written opinion regarding whether the City and County of San Francisco is authorized to install an automated traffic enforcement system, and issue citations for drivers making prohibited right turns from eastbound Market Street onto the Central Freeway.

I am requesting this opinion in response to the Governor's recent veto of my bill, AB 2729, which would have authorized the City and County of San Francisco to utilize such an enforcement system at this intersection. In his veto message, the Governor indicated that such authorization already exists under state law.

Since the opening of the Central Freeway on-ramp in 2005, right turns from eastbound Market Street onto the Central Freeway have been prohibited. This prohibition was designed to improve safety and limit congestion along Market Street.

Existing law authorizes the installation of an automated traffic enforcement system when a limit line, intersection, or other place **where a driver is required to stop** is present if the system meets certain requirements. (CVC section 21455.5) At the intersection of Market Street and the Central Freeway on-ramp, a driver is prohibited from making a right turn at any time, including when a green traffic signal is displayed. AB 2729 would have authorized the City and County of San Francisco to install a traffic enforcement system that could be used to photograph illegal right hand turns at this intersection and issue citations to violators even if such drivers were not required to stop. This traffic enforcement system would operate in the same manner as the existing red light camera enforcement system, and is consistent with the policy goal of improving public safety and reducing traffic collisions.

I am asking for the Attorney General's opinion as to whether, in fact, automated enforcement of any illegal turn, not just a red-light violation, is authorized under this Vehicle Code section or any other existing state



Ms. Susan Lee
Page 2
January 7, 2011

statute. I would be happy to coordinate a site visit to the Market Street and Central Freeway intersection if you think that such a visit would be helpful.

Thank you in advance for your consideration of this question. I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Tom Ammiano". The signature is written in a cursive, flowing style with a large initial "T" and a long, sweeping underline.

Assemblyman Tom Ammiano

cc: Mayor Gavin Newsom
Nathaniel P. Ford Sr., Executive Director/CEO, SFMTA
Leah Shahum, Executive Director, SFBC